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MEMOIR

OF

JOHN FENWICKE,

CHIEF PROPRIETOR OF SALEM TENTH, NEW JERSEY,

BY

ROBERT G. JOHNSON,

READ BEFORE THE SOCIETY, JULY 23, 1846.

AS a member of the New Jersey Historical Society, I feel it to be my duty,—descended as I am from ancestors who were among the very first settlers of Salem,—to assist in advancing its interests, by endeavoring to bring to light the character and pursuits of one of those bold adventurers to this then western wilderness, so that we, their descendants, may know the efforts made by them, which, by the goodness of Divine Providence have resulted in the attainment of a position by our State unsurpassed by any in the Union.—"It is wise," said Mr. Webster, not long since, "occasionally to recur to the sentiments and to the character of those from whom we are descended. Men who are regardless of their ancestors and of their posterity, are very apt to be regardless of themselves. The man who does not feel himself to be a link in the great chain to transmit life and being, intellectual and moral existence, from his ancestors to his posterity, does not justly appreciate the relations which belong to him. The contemplation of our ancestors and descendants ought ever to be with-

in the grasp of our thoughts and affection. The past belongs to us by affectionate retrospect, while the future belongs to us no less by affectionate anticipation of those who are to come after us. And then only do we do ourselves justice when we are ourselves true to the blood we inherit, and true to those to whom we have been the means of transmitting that blood." *

John Fenwicke, Esquire, Chief Proprietor of what was called *Salem Tenth*, emigrated from Bynfield, in Berkshire, England, to West Jersey, in the month of June, in the year 1675. He was a man of high standing in the community where he resided in England, and of large and influential connections, and could probably trace his ancestry back to those who figured in the border wars, which Walter Scott has so well decribed; when—

"There was mounting 'mong Græmes of Netherby clan:
"Forsters, *Fenwickes*, and Musgraves, they rode and they ran."

The Fenwicke family were numerous. From a copy of a triparte deed, dated 8th July, 1636, (which is deposited in the archives of the Society), I find that William Fenwicke and Elizabeth his wife, were the parents of our "Chief Proprietor;" that they had four sons, Edward, John, Rodger, and Ralph. In this deed, John, being the second son, is styled *Knight* and *Baronet*. William Fenwicke, the father of these sons, is styled "Sir William Fenwicke, Baronet,"—he represented the county of Northumberland in the Parliament in the year 1659, being the last Parliament under the Commonwealth. In 1740 he resided at Stanton Hall, of Stanton Manor, in the county of Cumberland, and parish of Horsely. His estate consisted of 5 cottages, 5 orchards, 2 gardens, 1 water mill, 200 acres of land, 200 acres of meadow, 300 acres of wood and pasture, 500 acres of moor, 1 village called Berry-Hill, 1 village called Asheels, a messuage or tenement called Lime Kilne Field, and another called Trewettly Shields.

John Fenwicke was a student at law at Gray's Inn, in the county of Middlesex, in the year 1640; and when he came to America brought with him the various forms made use of by gentlemen of the law, particularly those relating to the disposition of estates. I have no date by which I can fix with any degree of certainty at what time he married his first wife; it was previous to the year 1642, most probably in 1641. She was Elizabeth, daughter of Sir Walter

* Speech in Washington, Dec. 22d, 1845.

Covert, Knight, of Slaugham, in the county of Sussex.* Neither have I ascertained at what time he married his second wife, Mary, who was connected with the Burdett family. From letters written to him, she appears to have had some affection for him, and to have sympathized with him in his misfortunes ; although from causes not known, she declined accompanying him to Salem, and they parted never to see each other more.

During the intestine commotions and civil wars which agitated England, when there could scarcely be permitted any neutrality among men, we find that Fenwicke, as a military officer, connected with those who sought the downfall of King Charles the First. And we may reasonably conclude that the zeal, courage, and skill which he displayed when with the army, had a tendency to produce the utmost confidence in the mind of Oliver Cromwell, or he would not have entrusted him with important duties to be performed on two special occasions. The first was by a commission under the hand and seal of Oliver dated 25th October 1648, in these words: "You are hereby ordered and required as Major under Colonel Thomas Barwis, in his regiment of cavalry which was raised in the county of Westmoreland, to assist the garrison of Carlisle, and to exercise the officers and soldiers under his command according to the discipline of war. And they are hereby required to yield obedience unto you as Major of said regiment. And all this you are authorized unto, until the pleasure of the Parliament or the Lord General be known."

Given under my hand and seal at Bernard Castle, 27th October, 1648. O. CROMWELL."

"To John Fenwicke, Major. These."

* He had two sons and two daughters — the sons were Thomas and John — the daughters were Anna and Elizabeth. Thomas Covert being the eldest son, and heir apparent, gave to his two sisters a lease dated 30th January 1639, for sixty years, (at a rent of one pepper corn) of lands called Sinderly, Hoggesland, and Dencombe, containing 700 acres. Also lands called Rowle, Friende Betchlies, Sowters, and Courtlands, containing 177 acres, situate in the parishes of Slaugham, Bolney, and Tineham, in the county of Sussex. Thomas Covert having died, John Covert, his brother and heir confirmed the lease to his sisters. Anna Covert having died, her sister Elizabeth became the sole owner of the whole lease ; and she having married our John Fenwicke, they, husband and wife, conveyed the lease to a trustee for her benefit. This conveyance was dated, 27 Nov. 1642. After that, to wit:—on the 6th Dec. 1649, it was conveyed to other trustees, namely—Henry Brandreth, merchant, and Daniel Taylor, haberdasher, both of London, for the benefit of the said Elizabeth, as long as she lived ; and in case of her death, for her husband John Fenwicke if he should survive her. These trustees joined John Fenwicke in a mortgage, with Elizabeth his wife, dated in 1651, for the sum of £950, loaned to them by John Goodwin, gentleman, of London.

The second commission was similar, requiring him as Major of Cavalry to attend to the decapitation of Charles 1st, which took place on 30th January, 1648.

So also, John Bradshawe, the president of the judges of that court, who passed sentence of death upon the King, and who was subsequently chosen President of that Parliament, specially appointed Fenwicke captain of a troop of horse, by him to be raised from volunteers, who were to act as a guard to that Parliament, and "to observe and obey such orders and directions as he should from time to time receive from the President, the Council, the Lord General, or others authorized by them." This commission was dated at the Council of State, at White Hall, 4th September, 1651.

We may therefore conclude, that Fenwicke as an officer, discharged his duty with fidelity to the then ruling powers, and so continued probably from that time until the authority of Richard Cromwell, the son and successor of Oliver Cromwell to the government, began to decline,—when the political storm gathering thick upon him, and possessing neither judgment nor courage vigorously to oppose it, he was obliged to abdicate his authority in favor of that Parliament which had usurped all power, that he might secure a competency for himself and family, and be permitted to end his days at *Cheshunt* as a private citizen.

The members who composed what was then called the "New Parliament," having frightened the good natured and timid Cromwell by their arbitrary proceedings, so as submissively to compound with them for his life and future support, began forthwith to turn out all the officers of the army and navy whom they suspected could not be brought into subjection to their mandates, and to promote such others as were willing to be obsequious to all their plans and manœuvres. Such proceedings had a direct tendency to alienate and disgust a large majority of the officers and soldiers of their armies; and rather than submit to what they considered an outrage upon their characters, they began secretly, but perseveringly, to look around for some suitable person, who, at the head of the army would assert the rights of the people and endeavor to establish such a form of government as should secure to the citizens a cessation from the deadly feuds in which they had been so long engaged, as well as guarantee to them all those inherent rights of life, liberty, and property to which they were entitled. It is thought that Fenwicke adhered to that part of the army which had for its head, General George Monk, who had been, some time previous, appointed Commander in-Chief, and who

by his clear foresight and consummate prudence, brought about the restoration of Charles the Second to the throne of England, a consummation most anxiously desired and looked for by those favorable to monarchy.

In the proclamation of amnesty published by King Charles the Second, free pardon was granted to all those who had borne arms against him, except a few whose names were mentioned, and these were denominated "the regicides." We may suppose that Fenwicke embraced the amnesty thus proffered by making his concessions to the ruling powers, but he retired from the army and devoted the remainder of his life to peaceful industry and in providing for the wants of his growing family.

By a certificate dated February 11th, 1649, it would seem that Fenwicke at that time was connected with the Independent Congregation of which John Goodwin was the Pastor. He subsequently, but at what time I have not been able to ascertain, withdrew from the Independents, and embraced the forms, discipline, and creed of the sect called Friends or Quakers. I am inclined to think that after he had formed an acquaintance with the family of Admiral Penn, and with his son William Penn, who had just reached manhood, he was so fascinated by the persuasive eloquence of the latter, from his placidity of character, his high family connexions, his self-devotedness to what he considered the cause of religious truth, that he became enamoured with the man and his principles. The soft and persuasive language with which Penn was so eminently gifted, had a tendency to win over to his religious faith and principles, not only John Fenwicke, but thousands of other people of high character and standing throughout the British dominions, and even some on the Continent of Europe. We may therefore conclude it was at the time of the restoration of Charles the Second when he renounced all his warlike principles, and retired to private life that Fenwicke assumed the peaceful, mild and unassuming doctrines of the Quakers.*

It is highly probable that these two extraordinary men—like kindred spirits—although so unequal in age, living near each other, (their families having landed property in the same County, of Sussex, and parish of Worminghurst, distant from the then county town of Arun-

* *Admiral Penn* was born in 1621, and died in 1670, aged 49 years and 4 months.—*William Penn*, his son, afterwards Governor of Pennsylvania, was born in 1644, and died in 1718, aged 74 years.—*John Fenwicke* was born in 1618, died December, 1683, aged 65 years; so that there was a difference of only 3 years between him and Admiral Penn, but he was 29 years the senior of the Governor.

dell about eight miles,) had, at times, when disengaged from public business, every opportunity of contracting and cementing that friendship for each other which appears to have continued through life, with the exception of a short and unfortunate interruption—the consequence of a hasty and possibly misconceived prejudice in the mind of Fenwicke, which was afterwards most honorably and feelingly atoned for by him.

From the knowledge which these two men had obtained of our Atlantic coast, and of the spirit prevailing among many of their people for emigrating to New England, we may reasonably conclude that the mutual interchange of views and sentiments confirmed in them the determination to emigrate themselves. Fenwicke having fully communicated his views to Penn of his intended disposition to seek an asylum for himself, his family and their *sect* in this western world, that he might be far remote from the turmoils of Europe—entered into a contract with John Lord Burkeley, who, on March 18th, 1673–4, conveyed the moiety or half part of New Jersey to him, for which he agreed to pay one thousand pounds. The year following, namely, on Feb. 9th, 1674–5, he conveyed nine-tenths thereof to William Penn and others for Edward Billinge; and after consummating these transactions, he employed his time in preparing himself for his intended enterprise.

He had numerous connections to whom he had to communicate his plans, and confer upon his intended project in laying a foundation for the future independence of his family and friends; and very probably too, soliciting their co-operation in embarking with him as adventurers to the new world—or, if not willing to accompany him there, at least in kindness to assist him by their wealth and influence in the prosecution of his hazardous undertaking.* But here he was suddenly interrupted in his plans by a dispute which arose between him and Edward Billinge, respecting a division of their lands and other pecuniary matters. In fact, Billinge being much involved in debt, conveyed his right in his West Jersey property away (from John Fenwicke, who had been his trustee), to other trustees—namely: William Penn, Gawen Lawrie and Nicholas Lucas, to be by them disposed of for the use and benefit of his creditors.

After some difficulties and much disputation between the two, they

* Both Fenwicke and his second wife were cousins to Edward Burdett and Sir Francis Burdett, who, by a letter which he received from his wife when he resided in Salem, informed him that his cousin Edward Burdett was "very ready and willing upon all occasions to assist her." But I cannot find that he at any time received either directly or indirectly any pecuniary assistance from either of the Burdett families.

agreed that William Penn should be the umpire, and put an end to their controversies. Penn having heard the allegations of the parties, rendered his award in favor of Billinge. Fenwicke took great offence at the decision and refused to abide by the award.

This refusal of Fenwicke grieved William Penn and gave him great uneasiness, for the parties were of standing among the Quakers.

Penn addressed a letter in the following words—

"John Fenwicke—The present difference betwixt thee and Edward Billinge fills the hearts of Friends with grief, and with a resolution to take it, in two days, into their consideration, to make a public denial of the person that offers violence to the award made, or that will not end it without bringing it upon the public stage.—God, the righteous judge, will visit him that stands off. Edward Billinge will refer the matter to us again, if thou wilt do the like. Send me word, and, oppressed as I am with business, I will find an afternoon, to-morrow or next day, to determine, and so prevent the mischief that will certainly follow divulging it in Westminster-Hall. Let me know by the bearer thy mind. O John! let truth and the honor of it this day prevail. Woe to him that causeth offences! I am an impartial man. WM. PENN."

He wrote a second letter which was in these words—

"John Fenwicke—I have upon serious consideration of the present difference (to end it with benefit to you both, and as much quiet as may be,) thought my council's opinion very reasonable: indeed, thy own desire to have the eight parts added, was not so pleasant to the other party that it should now be shrunk from by thee as injurious; and when thou hast once thought a proposal reasonable, and given power to another to fix it, 'tis not in thy power, nor indeed discreet or civil thing, to alter or warp from it, and call it a being forced. O John! I am sorry that a toy, a trifle, should thus rob men of their time, quiet, and a more profitable employ. I have had a good conscience in what I have done in this affair; and if thou reposest confidence in me, and believest me to be a good and just man, as thou hast said, thou shouldst not be upon such nicety and uncertainty. Away with vain fancies, I beseech thee, and fall closely to thy business. Thy days spend on, and make the best of what thou hast. Thy grand children may be in the other world before the land thou hast allotted will be employed. My council, I will answer for it, shall do thee all right and service in the affair that becomes him, who, I told thee at first, should

draw it up as for myself. If this cannot scatter thy fears, thou art unhappy, and I am sorry. Thy friend, WM. PENN."*

I now for the present, take leave of Fenwicke and his difficulties and concernments while in England, to speak of his embarking and landing at Salem in West Jersey. Having all things in readiness he went on board the ship with his family, consisting of his three daughters, by his first wife, Elizabeth, Anna, and Priscilla, and his housekeeper Mary White; also, John Adams, the husband of Elizabeth, with their three children—Elizabeth Fenwicke and Priscilla; also, Edward Champneys, the husband of Priscilla, with two children—John and Mary, with their servants, viz: Robert Turner, Gervas Bywater, William Wilkenson, Joseph Worth, Michael Eaton, Eleanor Geere, Ruth Geere, Zachariah Geere, Sarah Hutchins—these were the servants of Fenwicke—and Mark Reeve, Edward Webb, and Elizabeth Waits, the servants of Champneys. Anna Fenwicke, his daughter, some short time after their arrival married Samuel Hedge. They all arrived at Salem on the 23d of June, 1675, in the ship called the Griffin, Capt. Robert Griffith. †

* From Life of Penn.

† It is well to mention here the names of such ships as brought over emigrants to Salem as far as I can with certainty, as it will correct some mistakes in Smith's History of New Jersey :—

On the 13th March, 1674, arrived at Salem the ship called the *Joseph* and *Benjamin*, Matthew Payne, commander, with emigrants, among whom were John Pledger, Hypolite Lefevre and others. These two persons became large proprietors of land. The ship was bound to Maryland. To one of these I can easily trace back my connection—Pledger's son Joseph married the daughter of Richard Johnson, who was my great grand father.

On 23d June, 1675, arrived at Salem the ship *Griffin*, Capt. Robt. Griffith, with emigrants, among whom were John Fenwicke and his family and friends, besides Elizabeth Pledger, the wife of John Pledger, with their child Joseph.

The same ship *Griffin* returned to England, and arrived again at Salem with emigrants in the last of November of the same year, 1675.

In November, 1677, arrived at Elsinborough the ship *Willing Mind*, Capt. John Newcomb, with emigrants.

On 12th of twelfth month, 1677, arrived the ship *Mary*, with emigrants, commanded by Capt. John Wall. The same ship *Mary* made a second voyage from Ireland, with emigrants, and landed them at Elsinborough the same year; but the date I have not discovered.

In 1677 arrived the ship *Kent*, Capt. Gregory, with emigrants, to Salem.

In 1677 arrived the ship *Success*, commander Stephen Nicholson, from Virginia, with emigrants, to Salem.

In 1679 arrived the ship *Success*, Nicholson, commander, with emigrants.

In 1679 arrived the ship *Willing Mind*, Capt. Newcomb. with emigrants.

In 9th month, 1681, arrived the ship *New Adventure*, commander John Dagger, with emigrants, to Elsinborough.

In 1681 arrived from London the ship *Henry* and *Ann*, with emigrants.

I have enumerated in the note on last page 16 arrivals at the town of Salem, twelve of them occurring before the death of Fenwicke, showing a large influx of immigrants, and I have no doubt but that many other immigrations were made to Salem in ships by persons of whom we have no account at this distant day, who were compelled to flee from the tyranny and persecutions of the hard hearted rulers of the old world.

This indicates most conclusively, that the personal influence of Fenwicke, united with that of his friends in England and Ireland, produced an extraordinary disposition for immigration hither among the masses of the people, notwithstanding the secret and unmanly opposition carried on against him by the large proprietors.

Fenwicke, now established in his proprietory, and locating his office at Ivy Point in the town of Salem, forthwith entered into treaties with the Indians and purchased all their lands included within the bounds of Old Man's Creek and Morris's River, for which he paid them according to contract in such articles as they stood in need of—namely: Guns, powder and lead, with rum, shirts, shoes, stockings and blankets, watch-coats and other English goods. These purchases were made within the years 1675 and 1676.

Fenwicke forthwith directed Richard Noble, his Surveyor General, to proceed and lay off lots in Salem and Cohanzick, (now Greenwich,) and at other places were designated by him. But for reasons not now known, Noble neglected or refused to comply with the requisitions of his employer, so that Fenwicke was obliged to discharge him and revoke his commission, and then appointed Richard Hancock as Surveyor General in his place. But he being subsequently employed by the coalition composed of Eldridge, Warner, Penn, Lawrie, Lucas, Billinge and Langhorne, Fenwicke revoked his commission also by the following document:—

"That Richard Hancock had dismissed himself from being any longer my deputy surveyor general, because that he did not only

In Nov., 1682, arrived the ship *Pink*, commander John Dagger. She was chartered in Dublin, and went round to London to take in her passengers and cargo, and arrived at Elsinborough.

Among many other persons came passenger in this ship *Mark Newby*, celebrated in our histories as the first financier that New Jersey produced, and whose Assembly conferred upon him the high honor of *issuing half pence*, to be called Patrick's half pence.

On 8th month, 1685, arrived the ship *Dorothea*, with emigrants, commander Bridgeman.

In 1685 arrived the ship *Charles*, commander Edward Payne, with emigrants.

In 1686 arrived at New Castle the ship *Shield of Stockton*, in the 5th month. Many passengers came and settled near to Salem.

In 1705 many emigrants arrived at Salem, but the name of the ship is unknown, the remaining leaves of the book being lost.

perfidiously betray and deny my most legal and just interest—albeit, he had engaged twice under his hand, by way of an oath to be true and faithful thereunto—but also refused and wilfully neglected to obey, execute, and observe my commands and general warrants, when directed to him, or otherwise. Besides, he hath highly presumed to endeavor to survey my colony, and divers parcels of lands therein, by virtue of the arbitrary powers and illegal orders of Richard Guy, James Nevill, and others, his followers in connection — the which to justify they and he did lately force from Richard Tyndall, the legal commission I formerly gave him (as my surveyor general) and highly threatened to send him to prison, unless he would engage to act no more for me, nor by my order. All which their arbitrary practices and proceedings are contrary to law, equity and good conscience, and contrary to the peace of our sovereign lord the King, his crown and dignity, as may be made appear.

Given under my hand and seal, the first day of the tenth month, called December, 1680. FENWICKE."

Notwithstanding the unfriendly conduct exhibited by Noble and Hancock, Fenwicke having consulted with ten of the principal purchasers of his land, concluded that every resident purchaser should have his tract of land set out to him, the one half in the liberty of Cohansey, and the other half in the liberty of Allaways; and that the purchasers should cast lots, who should begin and succeed till the tracts of land be surveyed. It was afterwards concluded that any individual might select his tract, and by applying to the office would have his warrant issued to the surveyor for surveying the same.*

* *The first and general order as agreed upon by Fenwicke and the first purchasers.*—"We whose names are here subscribed, do first declare, as hereby is declared, that we have been exposed to great hazards, straits, dangers and cruelties whilst at sea. John Lord Berkely's deed being declared to be left in England, was the the cause of our troubles we met with there, and at our arrival, when our sorrows were multiplied, our miseries increased through cruelties and oppression; so that, as it appeared, John Eldridge and Edmund Warner laboured to send us away with the shadow, whilst they detained from us the substance, that should every where preserve us and our interest from ruin, even the ruin under which we hitherto groaned, and liked to be ruined, having received no relief from England, neither can we hear when to expect any; but wholly left as a people forsaken, even forsaken of them that pretended to take care of us; and many of those that embarked with us in the same undertaking did also desert us, and disperse themselves into other countries; so that now, if we can live, we may—if we cannot, we may die, for the care that has been and is taken of those men, as if their own interests were our destruction. But blessed be the God of heaven and of earth, who hath showed us mercy (to the amazement of our enemies here, and so it will be also to others in due time) praised be his name forever. He hath also by his spirit stirred in the hearts of many good people to pity us, sitting down together in this tract of land which John Fenwicke, the chief proprietor, purchased of the natives for his colony,

Eight of those persons who had purchased of Fenwicke when in England in the year 1674 and before his arrival here, were Samuel Nicholson, Edward Champneys, John Adams, Richard Noble, Rodger Huchins, Richard Haucock and Edward Wade, proceeded to draw for their lots of land, in the whole amounting to 26,000 acres. The lot No. 4 was drawn by Richard Noble, which he refused to take, and being asked, declined offering any reasons for his refusal; and from that time might be dated the enmity exhibited by him against Fenwicke, and was in all probability the beginning of that opposition formed against all the plans he devised, and which had ultimately in view the depriving him not only of his authority, but his lands also.

Fenwicke had hypothecated several thousand acres of his land when in England to raise funds to enable him to embark with his household to America in such a style as became his character as Lord or Chief Proprietor over his extensive domains;—and had he not been molested in the schemes he had projected, and had been permitted to have carried out his plans of locating the several towns, the sites of which he had demarcated, and of establishing Salem as the capital, with court-lets, and court barons, and of draining the great town marsh, and of erecting wharves for the accommodation of vessels, he estimated, that such and similar improvements contemplated, would have secured to him and his posterity wealth, and a name which would be perpetuated to succeeding generations.*

and to satisfy every of his purchasers by setting out their tracts of land therein accordingly. To the end, therefore, that the Lord's requirings may be answered, the desire of strangers satisfied, the said colony planted, we and our families preserved from ruin, every purchaser having his land set out, the natives neither provoked nor tempted, but all our lives preserved by setting out and planting the land as people come to take it up, and so sitting down together as in other countries:—We, after many meetings and serious consultations, do unanimously agree and conclude upon the method following, which we, the chief purchasers of Fenwicke's colony, and other the purchasers and freeholders residing within the same, do approve of and deem to be most just, reasonable and equal; and do therefore declare and order, that every purchaser that is resident shall forthwith have his tract of land set out—the one half in the liberty of Cohansick, the other half in the liberty of Allaways, or as the chief proprietor shall order the same there or elsewhere." The remainder refers to setting off lots.

This was signed 25th of the fourth month, answering to June 1676, just three days after Fenwicke had landed. The names of those purchasers were Edward Wade, John Smith, Richard Noble, Samuel Nicholson, John Adams, Hypolitus Lefevre, Edward Champneys, Richard Whitaker, William Malster, Robert Wade.

* Fenwicke did not live to see those improvements made, but his executors, namely, Governor William Penn, of Pennsylvania, John Smith, of Smithfield, Samuel Hedge, of Hedgefield, and Richard Tindalls, of Tindalls Bower, conveyed by deed of trust, dated 24 Dec. 1688, all the above mentioned town marsh containing 560 acres to George Haslewood, Thomas Woodruff, and Richard Johnson, on condition that they, the owners and possessors of said Marsh shall embank and make a road though the same, lead-

But the many interruptions to the plans of Fenwicke were succeeded by open opposition to his authority. Demands were made upon him by his creditors, and so harrassed was he by the combinations formed against him, that he even included William Penn among his enemies, whom he had always heretofore considered as his fast friend. In his remonstrance he names several persons who had conspired against him to deprive him, as he thought, of his influence among the people and of his property also.

Let us here look at Smith's History of New Jersey; in which we find that William Penn, Gawen Lawrie and Nicholas Lucas became the trustees of Edward Billinge in behalf of his creditors; and they, in conjunction with Edward Billinge, John Eldridge and Edmond Warner (together deriving title from Lord Berkley, John Fenwicke's title being as good for his proprietary as any title could be) became, as they say, the Proprietors of the half part of the province, (including Fenwicke's purchase) which "though yet undivided, *necessity pressing*, they soon sold a considerable number of shares of their propriety to different purchasers, (according to their different shares) in common with them; so after some scheme had been fallen upon (not mentioned by the historian) as well for the better distribution of rights to land, as to promote the settlement, and ascertain a form of government, concessions were drawn, &c. &c."

These six Proprietors issued a commission and instructions to Richard Hartshorne, dated London, 6th month (August) 1676, which were sent by James Wasse, "a copy," say they, "is here enclosed; and also a copy of a letter sent to John Fenwicke *to be read* to him in the presence of as many of the people that went with him as may be;" but these papers are not now to be found. And that the instructions might be the more indelibly impressed upon his mind,

ing to Windham, and erect two wharves at and opposite Broadway Street. Those conditions were fulfilled by the twenty-three owners of the said Marsh, which greatly facilitated the trade of the place, and gave an additional impulse to the agricultural interest of the country; so that in a few years a considerable trade was carried on by the merchants to Boston, and Barbadoes, and other West India islands. In confirmation whereof, I will here mention, a notice taken by Gabriel Thomas in his account of Pennsylvania and West Jersey. These are his words—"In 1675, one Major Fenwicke went to West Jersey, and with some others built a pretty town, and called it Salem. And a fine market town it is, having several fairs kept yearly in it. Likewise well furnished with good stores of most necessaries for human support, as bread, beer, beef, and pork, as also butter and cheese. And of vessels they freighted several and sent them to Barbadoes and other islands. There are many fine stately brick houses built, and a commodious dock for vessels to come in at, and they claim equal privileges with Burlington for the sake of antiquity, but that is the principal place appointed by Colonel Daniel Coxe for holding the Courts."

they further say—"because we both expect and also entreat and desire thy assistance in the same, *we will a little shew things to thee*, that thou may inform not only thyself, but friends there,"—that is, in Salem. I am inclined to think that he who reads this will coincide with me in opinion, that these schemes "*so necessity pressing*," were matured in England, and were designed to thwart Fenwicke in his influence with the population emigrating hither, as well to prevent him from making sale of his lands at Salem. They proceed to say—

1st, "We have divided with George Carteret, and have sealed deeds of partition, each to the other, and we have all that side on Delaware River from one end to the other; ours is called *New West Jersey*, his is called New East Jersey."

3d, "We have sent over by James Wasse, a commission under our hands and seals, wherein we impower thyself (Richard Hartshorne,) James Wasse, and Richard Guy, or any two of you, to act and do according to the instructions, of which here is a copy."

4th, "We intend in the Spring to send over some more Commissioners, with the friends and people that cometh there, because James Wasse is to return to England: For Richard Guy, we judge him to be an honest man, yet we are afraid that *John Fenwicke will hurt him*, and get him to condescend to things that may not be for the *good of the whole;* so we hope those will *balance him* to what is just and fair; that John Fenwicke *betray him not*, that things may go on easy without hurt or jar; which is the desire of all friends; and we hope West Jersey will be soon planted."

Having thus given short extracts from the beforegoing sections, these six Proprietors say, 5th, "For we do not like the tract of land John Fenwicke hath bought, so as to make it our first settlement; but we would have thee and friends there, to provide and take up a place on some creek or river, that may lie nearer you, and such a place as you may like; for may be it may come in your minds to come over to our side, when you see the hand of the Lord with us; and so we can say no more, but leave the thing with you, believing that friends there will have a regard to friends settling, that it may be done in that way and method, that may be for the good of the whole; rest thy friends." G. L. W. P. N. L. E. B. J. E. E. W.

Looking a little further into Smith, we find on page 83, that five of these Proprietors, namely, Nicholas Lucas, Edmund Warner, William Penn, Gawen Lawrie, and Edward Billinge, "gave full power, commission, and authority unto James Wasse, Richard Hartshorne,

and Richard Guy, or any two of them, to act and do for us according to the following instructions."—Dated London, 18th, 6 month (August) 1676.

1st. "We desire you to get a meeting with John Fenwicke, and the people that went with him, but we *would not have you tell your business* until you get them together; then shew and read the deed of partition with George Carteret; also the transactions between William Penn, Nicholas Lucas, Gawen Lawrie, John Eldridge and Edmond Warner, and then read our letter to John Fenwicke and the rest, and shew John Fenwicke he hath no power to sell any land there without the consent of John Eldridge and Edmond Warner."

2d. "Know of John Fenwicke, if he be willing peaceably to let the land he hath taken up of the natives be divided into one hundred parts, according to our and his agreement in England, casting lots for the same — we being willing that those who being settled and have cultivated ground now with him, shall enjoy the same, without being turned out, altho' they fall into our lots: Always provided, that we be reimbursed the like value and quantity in goodness out of John Fenwicke's lots."

4th. They direct, that they "lay out four or five thousand acres for a town," but if not, then let there "be two thousand acres, and let him divide it in a hundred parts; and when it is done, let John Fenwicke, if he please, be there; however, let him have notice; But, however, let some of you be there, to see the lots cast fairly by one person that is not concerned."

5th. "If John Fenwicke, and those concerned with him, be willing to join with you in those things as above, which is just and fair, then he or any of them may go along with you in your business; and let them pay their proportion of what is paid to the natives, with other charges: And so he and they may dispose of their lots with consent of John Eldridge and Edmond Warner."

6th. "If John Fenwicke and his people refuse to let the land they have taken up of the natives to be divided, and refuse to join with you; you may let the country know in what capacity John Fenwicke stands, that he hath no power over the persons or estates of any man or woman more than any other person."

7th. "What land you take of the natives, let it be taken, viz:— Ninety parts for the use of William Penn, Gawen Lawrie and Nicholas Lucas, and ten parts for John Eldridge and Edmond Warner."

12th. They direct them to get a certain man, by name Augustine, but if he cannot be obtained, then "send for William Elliot, who

had offered himself to Gawen Lawrie to be surveyor." "He had a good character in Virginia, but was not able to keep it; he is a fair conditioned, sober man."

13th. "If John Fenwicke be willing to go on jointly with you there, his surveyor may go along and help ours, and the charges shall be brought in for both proportionably on all. *Mind this*, and speak to Richard Guy or Richard Hartshorne, and leave orders with them to let William Elliot have provisions for himself till spring."

It appears difficult to reconcile the varied instructions given to these commissioners by those proprietors without being distrustful of their good motives. For in that 1st section, they were desired "to get Fenwicke and his people together, and tell them that he had no power to sell any land without the consent of John Eldridge and Edmond Warner. Now the people knew that many of them who had purchased of him when in England large tracts of land, were then settled on them, and some purchased the good will of the Indians, that they might live peaceably among them, and were satisfied that they had obtained a good and sufficient title from him and them also.

In the 4th Sect. They were to "tell Fenwicke that they were about to lay out a town and he might attend, and be there if he pleased." But long before these extraordinary proceedings reached America, the town of Salem was laid out, and the greater part of what now composes the town and township was surveyed into lots.

In the 5th Sect. Fenwicke was allowed to join them, and go with them in their business, he paying a certain proportion of the expense to the Indians and other charges—but still Warner and Eldridge must be consulted. It appears strange to think that the other three proprietors should take such an interest in the behalf of Warner and Eldridge—knowing they had amply secured themselves by taking a mortgage from Fenwicke upon all his proprietory.

In the 6th section. If Fenwicke and his people should refuse to comply with their requirements, then they were to marshal the whole influence of the country against him, and prostrate him in his power and authority in the estimation of the citizens. And in the next section, (7th) they were to carry out their high handed instructions, by whatever land they took of the natives, it was to be taken for the use and benefit of William Penn, Gawen Lawrie and Nicholas Lucas, ninety parts thereof—and ten parts for John Eldridge and Edmond Warner.

I do not think such arbitrary proceedings would be submitted to in this our day by the people in any part of the United States.—

That after Fenwicke had paid £1,000 to Lord Berkley, and purchased of the different Indian tribes all their rights in the soil from Morris river to Oldman creek, to be told that he and hundreds of his friends who had located themselves in and near Salem, had no right there? It was advice fraught with injustice.

In the 13th Section, the Commissioners were to procure a surveyor to proceed and survey the lands; and William Elliot was recommended as that surveyor. "He had a good character in Virginia, but *was not able to keep it;* he is a fair conditioned, sober man."—And with the recommendation of such a man for a surveyor, is Fenwicke invited to unite with his surveyor. "*Mind this,*" was the emphatic injunction. Heretofore all confidence appears to have been placed in these commissioners, but in this section they were speclally directed to "*mind this.*" Well, what were they to mind? I infer that they were to mind Fenwicke and his surveyor if they appeared and took part in the surveying. Surely they needed not to be notified to *mind* Elliot—he was the man selected by the proprietors to do their work—"although he had a good character in Virginia,"—but very unfortunately for the poor fellow, he was not able to keep it. It is some consolation to think that he left it in another state, and brought it not to New Jersey.

Now it appears to me that the instructions of those large and influential proprietors to their commissioners here against Fenwicke were harsh indeed; more especially as they, his personal and interested accusers, were so far distant from him, as to prevent him from meeting them face to face.

But what shall be said of the historian who could chronicle all such surmises and inuendoes against the integrity and honesty of any man of ordinary standing in the community—much less against such a person as John Fenwicke, who, from what we know of the parties arrayed against him, stood as high in the estimation of the people in England, where he was known, as probably any of the Proprietors —without at the same time accompanying the charges with the exhibited claims and answers of Fenwicke; for Fenwicke during these difficulties which had been fomented in West Jersey, published to the people of his proprietary, what he considered his *rights*, and pointed out the *wrongs* which this coalition of wealthy and influential Proprietors were inflicting upon him. I shall endeavor to atone for the neglect of the historian, but before giving the documents referred to, I would remark, that having examined the parts most material in elucidating the instructions to Richard Hartshorne, I am inclined to

believe those six Proprietors acted not with the caution, prudence, and christian spirit becoming meek, quiet, and unoffending Quakers. I believe them all, as well as Fenwicke, to have been men possessing high and honorable feelings, but I cannot regard those instructions in any other light, than as evincing great envy and jealousy—and more especially censurable for the indirect and aggravated suspicion cast upon the character of Fenwicke for the want of honor and honesty.

What a compliment have these Proprietors paid to their commissioner, Richard Guy? They judge him to be an honest man! so should every man be judged until the reverse is proved. But they seem to doubt the strength of his integrity. Was honor and integrity at so low an ebb, that even Richard Guy, the chosen one of all the emigrants—"but his character for integrity might be hazarded," say they, "we are afraid that John Fenwicke will hurt him!" What will not anger and prejudice do?

On looking back, however, to the days when these Proprietors were on the stage of life, we shall find that they were, every one of them speculators in these western lands, and that their sole object was to accumulate fortunes; and although they were all men of high character and distinction, yet, it must be apparent to every observer, that self-interest was at the bottom of all their schemes and manœuvres; hence the scheme which had a tendency to deprive Fenwicke of his fair name, to alienate the confidence of his friends from him, and compel him to surrender his rights in the tract which he had purchased from Lord Berkley and the Indians, that they might derive the benefit of his Salem proprietary, to the great damage of himself, his relations, and friends. It illy became those Proprietors to give utterance and countenance to such disrespectful and uncharitable sentiments respecting one of their own faith and order; especially as two of their number were public friends or preachers. They appear to have forgotten to practice, what we may presume they frequently inculcated from their pulpits, the injunctions recorded in the scriptures—such as "to speak evil of no man." "Speak not evil one of another, brethren, he that speaketh evil of a brother, speaketh out of the law, and judgeth the law."

I would now call attention to the documents I have before referred to—

"The true state of the case between John Fenwicke, Esq. and John Eldridge and Edmund Warner, concerning Mr. Fenwicke's ten parts of his land in West New Jersey, in America.

"Mr. Fenwicke being seized of and interested in ten equal (but undivided) hundred parts of the lands in New Cesarea, or New Jersey, and being indebted to several persons in England, as also the said Eldridge and Warner, and being to leave England, and having occasion for more present monies, agrees to borrow it of the said Eldridge and Warner, offering them security by those lands, as councel should think reasonable; and being willing that his other creditors should be paid likewise, it was referred to councel indifferent betwixt them, to devise a security; and likewise for the encouragement of purchasers, to put the estate in law, into the hands of the said Eldridge and Warner, and accordingly a lease for 1000 years is made by Fenwicke to Eldridge and Warner, wherein it is mentioned—

"That Fenwicke, to the intent and purpose Eldridge and Warner may be reimbursed of the said monies so as aforesaid due to them, with lawful interest for the same, at the rate of six per cent. per annum, to the time they shall be reimbursed the same; and also to the intent they may and shall be reimbursed all such monies as they shall happen to pay in or towards satisfaction of the several debts, in a schedule to the said lease annexed, mentioned, together with lawful interest for the same, at the rate aforesaid, from the time of such payments of the several and respective debts aforesaid, to such time as they shall be reimbursed the same; and also for and in consideration of the sum of five shillings, &c. doth grant, bargain and sell, &c., all the lands, &c., saving foreprized all such pieces, parts, parcels, quantities, and number of acres of land, and whatsoever else, he, the said Fenwicke, hath at any time before the date of the said lease, granted, bargained, sold, alioned or conveyed to any person or persons whatsover, by any grant, assurance, or conveyance whatever, entered, written, or copied in two register books of the same tenure, provided and kept for that purpose, one whereof now remaineth, and is to remain in the hands and custody of the said Eldridge and Warner, their executors, administrators, and assigns, to continue here in England, and the other of them now remaineth, and is to remain, in the hands and custody of the said Fenwicke, his heirs and assigns, to be transported and kept at New Cesarea or New Jersey aforesaid, Richard Guy and Richard Noble, having at the present, the keeping of two of the keys thereof.

"Upon special trust and confidence, nevertheless, in them, the said Eldridge and Warner, their executors, administrators, and assigns, and every of them, and to these intents and purposes, following, (that is to say), in the first place, that they the said Eldridge and Warner, their executors and administrators, out of such monies as

shall arise by one or several sales, assignment and conveyance, or sales, assignments, and conveyances, or otherwise, by under-lease or leases of all and singular the premises by the said lease devised, and granted, bargained or sold, or of any part or parcel thereof, do and shall reimburse, repay, and satisfy themselves of the said sum of one hundred and ten pounds and fifteen shillings, with interest for the same, after the rate aforesaid, and also reimburse, repay, and satisfy themselves, all such monies as they, or any, or either of them shall any way lay out, expend, or pay in, for, or towards the satisfaction of the several debts and sums of money in the schedule, in the said lease annexed mentioned, together with interest for the same, after the rate and according to the computation aforesaid; and also, shall reimburse and satisfy themselves of all such costs, charges, expenses, losses and damages whatsoever, which they or any or either of them shall any way pay, expend, lay out, suffer, or be put unto by reason of their intermeddling herein, or with the execution of the trust in the said lease contained or specified. And forward after such payment, reimbursement, and satisfaction fully made, as aforesaid, then as to the surplus of all such monies, as shall be so raised by such sale or sales, assignment or assignments, conveyance or conveyances, under lease, as aforesaid, they, the said Eldridge and Warner, their executors and administrators, and every of them shall be, and stand accountable, and make satisfaction thereof to the said Fenwicke, his executors and administrators, and to none other use, intent, or purpose whatsoever.

"And that if the said Eldridge and Warner, their executors and administrators, shall not, or without their wilful default may not be fully satisfied of such monies, costs, charges, expenses, losses, and damages, as are in the said lease, agreed and appointed to be reimbursed, paid, and satisfied to the said Eldridge and Warner, their executors and administrators, within the space of two years next ensuing the date of the said lease, that the said Fenwicke, his heirs, executors, and administrators, or some or one of them, shall and will well and truly pay and satisfy the same, or so much thereof as shall then be behind, and not satisfied and reimbursed unto the said Eldridge and Warner, their executors or administrators, or to some one of them.

"And thereupon the said Eldridge and Warner, for themselves, their executors and administrators, upon such payments and satisfaction so made, as aforesaid, shall, at the cost and charges of the said Fenwicke, his heirs and assigns, re-convey to him and them all and singular the premises aforesaid, by the said lease demised and granted, or such part, or so much thereof as shall then at the time of such re-conveyance be remaining unsold by them the said Eldridge and Warner.

"Lastly, it is declared and agreed by all the said parties to the lease, that nothing in the said lease contained, shall in any way be

taken, construed, adjudged, or expounded to compel or enforce the said Eldridge and Warner, their executors and administrators, either in law or equity, to pay or satisfy all or any of the said debts in the schedule to the said lease annexed, mentioned, or any part thereof to the several persons therein named, or any of them; but that it is and shall be at the free and voluntary choice and election of the said Eldridge and Warner, their executors and administrators to pay and satisfy, or not pay or satisfy the same or any or either of them, anything in the said lease contained, to the contrary thereof in anywise notwithstanding.

"Upon this deed, the case appears plainly to be—

"1st. That the estate in law, of the whole, was transferred to and vested in Eldridge and Warner.

"2d. That whosoever should purchase any part of the lands from them really and *bona fide*, should hold such purchase discharged of equity from Fenwicke.

"3d. That this lease was a trust from Fenwicke, as to the lands which should not be really and *bona fide* sold for the satisfaction of such monies as are mentioned in the lease; and because that this is the most considerable matter in the case, I think fit to lay down some reasons (among many others) for it.

"1st. The lease is made, to the intent, that Eldridge and Warner shall be reimbursed their monies, with interest and charges, and such monies as they shall pay to Fenwicke's creditors by sale or assignment &c., of the lands (which must still be intended of real and not of fraudulent sales purposely contrived to cheat Fenwicke). Now, if Eldridge and Warner be satisfied and reimbursed of all such monies by sale of part, what has become of the residue of the lands?—I take it very clear, that the residue is a tract for Fenwicke, and so it will be construed by any court of equity; for what Fenwicke did not dispose of to Eldridge and Warner, he kept to himself; I mean in point of equitable interest; and in equity what remains after the satisfaction of Eldridge and Warner belongs to Fenwicke.

"2d. If it were not a trust for Fenwicke after reimbursement and satisfaction to Eldridge and Warner, but an absolute sale both in law and equity, it may be demanded, to what purpose the deed expressed the payment of principal and interest to Eldridge and Warner, for when a man makes an absolute purchase, there is no expectation of being reimbursed his purchase money and interest, but only to have the lands absolutely, which for ought appears to the contrary, were ten times the value of all the monies that were to be reimbursed to Eldridge and Warner.

"3d. If it had been an absolute sale to Eldridge and Warner, in equity as well as in law, what was the meaning of the clause that under purchasers should enjoy their purchases in equity against

Fenwicke, for there need no such clause in an absolute sale; but indeed the lease being but in the nature of a mortgage to Eldridge and Warner, that clause was necessary, otherwise Fenwicke upon offer of payment of the monies due upon the mortgage, would, in a court of equity have evicted the purchaser's estates, as having notice of the mortgage when they purchased.

"4th. By the deed, Eldridge and Warner were to be accountable to Fenwicke for the surplus of the monies made by sale to purchasers, after the payment and reimbursement of the monies appointed to be paid by deed; now if Fenwicke were to have an account of the monies, though but part of the lands were sold which raised it *a fortiori* he is to have the residue of the land unsold; and if it be said that Eldridge and Warner are to sell the land, and Fenwicke to have the money as the deed speaks; yet where a man is entrusted to sell land for me, and to pay me all the money (as the case of Fenwicke is by the deed, after the satisfaction of the monies appointed) I may at any time, before actual sale, revoke the trust, and by a court of equity compel the trustee to convey the land so trusted to myself; for that is equity; the trustee is no further concerned than as my servant, whose service therein I may countermand at my pleasure.

"5th. By the deed Fenwicke covenants, that if all the monies be not paid within two years he will pay the residue (and as it is said, hath tendered the same accordingly) and then Eldridge and Warner were to reconvey the lands unsold. Now, if this doth not make it a clear trust in the nature of a mortgage, the construction of it must needs be that Fenwicke must pay them the money, and yet they must keep the land gratis; the absurdity whereof is obvious, even to common sense.

"6th. No one of common understanding can possibly interpret this to be an absolute sale, both in law and equity; for by the last clause in the deed, it is declared, that Eldridge and Warner shall not be bound to pay any of Fenwicke's debts, mentioned in the schedule, except they think fit voluntarily to pay the same. Now, if the lease should be absolute sales, Eldridge and Warner should keep the lands, and yet Fenwicke be bound to pay the debts himself, for Eldridge and Warner are not bound to pay them, which is contrary to the tenor of the whole deed, and to the intent of the parties (to my knowledge) for when the deed was made, it was declared by all parties that Eldridge and Warner should only be reimbursed and paid, as the deed speaks. But because Eldridge and Warner might have an opportunity of selling parcels, to purchasers in England, in the absence of Fenwicke, who was then going beyond the seas, the deed was drawn in this manner, that the real purchasers, that dealt with Eldridge and Warner might not scruple at the title, or their authority to sell; this, then, was the intent of all parties by them declared; but whether they have changed their intents since, is to

me unknown: but this I know, that if Eldridge and Warner be satisfied, their money, interest and charges, if any be according to the deed, they have, in equity, no farther to do with the estate, which then, in equity, doth belong to Fenwicke and his heirs."

EDWARD SAUNDERS.

JAMES GARFIELD,
A Scrivener in Long-lane, near West Smithfield.
SAMUEL GEE,
Clerk to Mr. Saunders. at the Inner Temple.
ANTHONY LOCKEY,
Clerk to Mr. Pigeon, of Gray's Inn.
July 24th, 1677.

We now proceed to state Fenwicke's defence, which is as follows, viz:—

"NOVA CÆSAREA, ss."

"THE REMONSTRANCE and declaration by JOHN FENWICKE, ESQUIRE, one of the Lords or Chief Proprietors of the said proprietary, and particularly of Fenwicke's Colony, lying within the same. Sendeth, greeting:—

"Whereas, it cannot be denied, but owned and acknowledged by all that have been and are concerned with me, both in England and here in America, that I bought, with my own money, (besides my great expenses and care,) of John, Lord Berkley, one of the late and absolute Lord Proprietors of the said province, all his royalties in as full and ample manner as James, Duke of York, had granted unto him, as by his deed of the 18th day of March, 1673-4, upon record both in England and within the said colony, appeareth.

"That afterwards, to wit, for the sake of God's own blessed truth, and for my own outward peace, more than for any other obligation which either law or equity could compel me to, I was persuaded by William Penn, to reserve the tenth part of my said justly purchased interest to me, my heirs and assgins for ever, (in hopes to have peaceably and quietly enjoyed the same for a colony,) and to sell the other nine parts to him, the said William Penn, Gawen Lawrie and Nicholas Lucas, their heirs and assigns, for £900, as by the deed triparte thereof, likewise upon record appeareth.

"Notwithstanding many illegal practices and designs (which are too many now to mention, because at this time I design brevity) have been perpetrated, and most runiously carried on against me and my said interest, by these men and their abettors, in order to the ruining of me, my family, and all those that, in simplicity, embarked with me, and claimed lands under me, within said colony.

"That by means of such unchristian perplexities, my person has been several times assaulted, my life often and greatly endangered by

forcing a gun, laden with many swan shot, within four yards of my breast, and a pistol discharged, with two bullets, within two or three feet of my neck; after, my house was beset, my door broken open, and my person siezed on in the night-time by armed men sent to execute a paper order of the Governor of New York, to whom I was sent prisoner, in the depth of winter, by sea—his order being to bring me dead or alive;—where he tried me, himself being judge, keeping me imprisoned for the space of two years and about three months,—albeit that it was not, nor could not be proved that I had broken any of the King's laws.

"During which time, John Eldridge, Edmund Warner, William Penn, Gawen Lawrie, Nicholas Lucas, Edward Billinge, and Richard Hartshorne of the Temple, Councellor at law, (who lately was executed for treason,) combined together to cheat me of my whole estate, as by the said Langhorne's letter, under his hand, which I have ready to be produced, having therein, as it were, buried me alive; so that my name was never to be used in theirs, nor my own concerns aforesaid.

"That Gawen Lawrie sent or delivered the aforesaid letter to James Bass, who being in my colony, caused it to be read to all the inhabitants, and it was published afterwards by Richard Guy, throughout the said provinces; in and by which their notorious treacheries and deceit was proclaimed, as well as I was considered naked (for having no estate or interest either in land or goods,) as an oak leaf. Upon the reading and publishing of the said most shameful letter, James Bass and Richard Guy began vigorously to seize upon my said colony, causing the same to be surveyed by Richard Hancock, (my sworn surveyor-general) without my knowledge, albeit they knew, or might have known, that I purchased the Indian interest thereof, at my own just charge, of all or most parts of the land which lieth between a creek beyond Cohanzick, to Oldman's Creek, called by the natives Masucksey.

"And further, to the end that they might enjoy this their unparralleled fraud, the said confederates, or some of them, wrote many letters to Richard Guy, and other three agents at Burlington, to use all their care and industry to keep and improve this their illgotten interest in my said colony, and so dispose thereof as by their orders.

"And in pursuance thereof, Richard Guy, Edward Wade, Edmund Bradway, and James Nevell have done what they could to promote the same (under the pretext of the said Governors commission, which was for one year, or until further order, and since the expiration thereof, which was in the eighth month last,) by hindering me from disposing of my land and governing the people according to my legal authority, and the government established within this province, which can no wise be legally altered but by the Lords or Chief Proprietors, their council and assembly, summoned by their authority; and thus all that are concerned will, in time, be forced to acknowledge and

submit to, before the confusion which is now among us can be appeased, and those great and many enormities which it hath produced be swept away, for thereby the name and blessed truth of God has been and is blasphemed. And all that owns and professeth the same is become a scorn and hissing to the common people (nay even the natives) who are more righteous in their dealings and love to one another, than those who know and professeth the truth; but by their deeds, (which are not warrantable neither by the laws of God nor the king,) do wilfully rebel against, which is a grief and burden to my soul, and the souls of those who groan within, in, and under the sense hereof. That it hath pleased our merciful and almighty God, now, at last, to instigate the people of Burlington to stand up and oppose the power that has hitherto obstructed the settlement of this part of the said province, upon the true basis of the said power and government which is and ought to be within the whole province, as its entire right, and they have met, as I am given to understand, and appointed the 25th —— month, in order to their settlement; nevertheless they seem to be in pursuit of those unwarrantable and illegal conspirators of justice, (which was to rob me of my just right and property, in which the people are concerned also,) having, as it were, to attend them at the trial and place appointed, as if my said colony and people therein were to be subjected under them, and led by the concessions of their own controversies, which is contrary to law, royalty and good conscience, the customs of all foreign plantations, and the said government established within this province, and so has been all the said former proceedings against me, as will be proved to the shame of all that have had a hand therein.

"For proof of which, I desire all sober men further to consider what the known and established laws of England saith—I mean Magna Charta—which has been confirmed by above thirty-two Parliaments, and the 29th chapter runs thus: "No man shall be taken or imprisoned or disseized of his freehold, or titles or free customs, or be outlawed or exiled, or merchandize destroyed, nor shall the King pass or send upon him, nor condemn him but by lawful judges, or by his equals, or by the laws of the land—we shall set to no man's nod, shall deny or defer to no man either justice or right."

"This law is the rule of every just judge; his line, his measure, his weight, his yard, his balance; it is called right itself, and common law because it judgeth common right by a right line, which is the judge of itself.

"Now where is the judgement, where is the sentence, or decree by virtue of this law that has condemned me to die, or to have no society among these men, in this affair, nor to enjoy my own property? Where is the sentence, by this law, that has taken from me my property, justly purchased, right, title and interest, and divested me of all my freeholds, liberty and free enjoyments? Where is the decree to be found, grounded upon the said law, that doth declare that my

whole estate pretence whereof the said John Eldridge and Edmund Warner wished to secure themselves £170 15s., and pay my other debts as by the deed of mortgage and trust (which Councillor Saunders saith, in his case, under his hand, witnesseth by five sufficient witnesses, is proved,) is Eldridge's credit, Warner's, and not mine, which neither law or equity consider. Because, firstly, They never paid anything for it; for the account mentioned in the deed was not stated by them, as they promised me before I executed the said deed, that I might sign the same to them, and they likewise to me. Secondly, That the debts which they undertook to pay out of the said sum, remaining in their hands for that purpose, they never yet made it appear that they paid the same, nor did they ever pay me the said sum of £100 15s., any otherwise. And thirdly, They sold not one foot of my land to pay any of my debts mentioned in the said security by John Eldridge in his confessions before many witnesses; but made a fraudulent deed of my temporalities (those 140,000 acres were excepted out of the security given William Penn, as aforesaid,) to William Penn, Gawen Lawrie and Nicholas Lucas, in consideration of twenty shillings, to cheat me, (as the Councillor Saunders saith, further in his case.) Besides, they have received (by virtue of a letter of attorney, which I gave them for their further security) £119 out of £451, which they should have received for me, and as yet never gave me any account of. Oath is made thereof, in chancery, where they refuse to answer and give me a just account (that so it might have been, or now, determined for me or for them,) because they pretend they cannot swear, while their consciences have been and are so large as to endeavour all along to cheat, circumvent and go beyond me; and that with open face, thinking to weary me and all that any wise assist me, and so to ruin me and mine out of all we have, by boasting of their great purses, and multitudes of their confederates with them, in these their hellish designs. But I doubt not of their being disappointed and frustrated in their hopes, as that their grand jesuitical Councillor Langhorne was. For the righteous God, whose wrath has been revealed from heaven, in all ages, against all ungodliness and unrighteousness of men, neither slumbers nor sleeps—neither doth the aforesaid law, for the breakers or alterers thereof have been generally punished, by the execution of forty-four unjust judges, under one king, and many more since, under others. And for any to alter the established laws, in any part, by force, is judged by Parliament to be high treason, as also, if any go about to subvert them, is likewise noted high treason.

"Forasmuch, therefore, as law, equity and good conscience, the same government and customs of this and other provinces, every way plead for my just right, title, interest and present possession of this my colony, I do henceforth resolve, and do hereby declare, that I will assume my said lawful and absolute power and authority, desiring all the King's loving, peaceable and obedient subjects, and in his

majesty's name, do hereby will and require them, and every of them inhabiting within my said colony, to take notice therefore, and to yield obedience hereunto. For it is invested in me, by virtue of his majesty's letters patent, here exemplified, and the great seal of England, granted at my request, according to law, to justify my said interest; which I derive from the said Duke of York, granted to John, Lord Berkley, and the said Lord Berkley's grant to me. So that no man can claim any right to any part of the said Lord Berkley's late interest, but what they claim under me, as aforesaid.

"And accordingly, I will put my said power and authority in execution, in settling the grievances within my said colony, according to that government which has been and is observed and settled within the said province, and to govern his majesty's subjects according to the concessions and laws established by the said John, Lord Berkley and Sir George Carteret. And I shall and will forthwith choose a council, and issue forth my precept, (with their advice) to call an assembly, to sit within my colony, that it may be settled, and the peoples' rights and properties preserved, together with the public peace. And thereby suppress or prevent all mutinies, insurrections and confusion. That so we may be in a capacity to associate with other of his majesty's plantations, our neighbour provinces and colonies, against his majesty's and our public enemies, whenever they attempt to disturb our peace. Given under my hand at Fenwicke's Ivy, the twelfth day of the first month, commonly called March, in the 31st year of the reign of the king, and the year 1678-9."

"FENWICKE."*

I am inclined to think, that after Fenwicke had published, to the people of his proprietary, this *remonstrance* and *declaration*, that it had such an exciting effect on the public mind, that Governor Andros was induced to arrest, send, and detain him a prisoner in New York, lest, in all probability, the friends of Fenwicke might proceed

* It is probable that other valuable papers, bearing upon this controversy, were deposited in the office at Salem, as carried away, and never returned, as would appear from the Court records of our County.

"The Grand Jury of Salem, say at December term, 1712." "Whereas, some years ago, the Grand Jury of the County of Salem, made application that the records should be delivered to Mr. Basse, to be bound and put in order, and then returned to the County again; but we understanding that the records are not bound, nor returned to our County, we humbly make application to your Worships, that speedy care should be taken that the said records may be again brought to our County, and here to be bound, and kept for the good and benefit of the public."

(Signed) WILLIAM CLOWS, Freeman.

The conduct of Secretary Basse, in withholding the public records, evinced a destitution of public honesty; and we have a right to conclude that some important benefit accrued to him or his friends, to the injury of the friends and relatives of Fenwicke.—But, in those days, the commands of those wealthy Proprietors, appear to have superceded law and right.

to open acts of violence against his oppressors, here; for be it remembered, that about this time, there had been from eighty to one hundred warrants issued, for the surveying of lands to individual settlers, and many of them had erected houses on their settled locations, shortly after their arrival at Salem. And it cannot be supposed that they would look on with indifference and see the title of their premises put in jeopardy, which they had bought and paid for—when by remaining indifferent spectators, they might be ordered to depart or buy their title over again.

Andros sent an armed force to Salem, with orders to his men to bring John Fenwicke, *dead or alive.* When the men came here, they found him in the house, with the doors fastened. The soldiery broke them open—fired a pistol at him—and would have killed him had he not surrendered unto them. He was then put on board of a vessel and conveyed to New York, by sea, in the depth of winter, and there confined a prisoner for two years and near three months, by the mandate of that cruel tyrant: who, if there be a shadow of truth in our colonial history, stands the most conspicuous as the oppressor of of our early settlers.*

*[The author appears to have overlooked the fact, that there were two imprisonments of Fenwicke, by Andros, the first of which occurred previous of the time of which he is here treating. The documents, with which he has himself furnished the Society, and which are printed in the "Proceedings" of the Society, Vol. II, pp 8-21, give the following details.—

December 5th, 1675. An order, was issued by the New York Authorities, adverse to any claim that might be advanced by Fenwicke, as Proprietor on the Delaware, but he and his company were to be allowed to take up land, &c., according to the rules and regulations prescribed for others.

November, 1676. Andros wrote to the Commander and Justices of Newcastle, that Fenwicke having refused obedience to his special warrant, as appeared from their letter to him of the 8th of that month, he was to be sent forthwith to New York.

In accordance with the directions, the Commander, on December the 4th, 1676, sent to Fenwicke, who refused to obey the behest of Andros. The Commander therefore, on the 7th, went in person and had a conference with the Proprietor, with no better success. Whereupon, a sufficient force, under a Lieutenant, was, on the 8th, authorized to proceed to Fenwicke's house, and take him prisoner; full power being given them to pull down, break, destroy and kill, if necessary, to effect their object.

Fenwicke was consequently taken to New York, and remained there a prisoner until August, 1677,—refusing to gratify Andros by making any concessions—when he was allowed to return to West Jersey, on parole, until October 6th. He then gave himself up again at New York, but not being required to remain there, returned to Salem.

On May 9th, 1678. The Court at Newcastle again took cognizance of Fenwicke's proceedings, and they being thought contrary to the agreement, which it was alleged he had entered into, respecting the exercise of authority on the Delaware, the Council at New York, on the 22d, issued an order for him to forbear assuming the government, and in case of his persisting requiring his presence at New York. This being communicated to Fenwicke on June 3d, met with a prompt refusal from him the following

It is evident that this combination of untoward circumstances, with the wealth and influence of his opponents, proved too great for Fenwicke (standing alone) to resist, and he was, in part, compelled to yield to them.

After his return from captivity, being indebted to Governor Penn, he conveyed to him by deed, dated 1st of March 1682, the moiety of his proprietary, which he originally purchased from John, Lord Berkley, and excepting and reserving therefrom, to himself, his heirs and assigns for ever, all that tract of country which was called Fenwicke's colony, containing, as was supposed, 150,000 acres. The clause in the deed being as follows:—

"Excepting and always foreprised out of this grant, to the said John Fenwicke, his heirs and assigns, the quantity of one hundred and fifty thousand acres, in the tract of land called Fenwicke's colony, being part and parcel of the aforesaid tenth, with powers and privileges henceforth to hold and keep Court-leets and Court-barons, under the government of the said William Penn, his heirs and assigns, in such part thereof where he hath not already granted and alienated the power of so doing, together with all the rents, issues and profits thereof; in consideration whereof, the said John Fenwicke, his heirs and assigns, shall pay unto the said William Penn, his heirs and assigns, yearly, forever, two buckskins, on the twenty-ninth day of September, in every year, if lawfully demanded; together with all royalties, powers, rescripts and muniments whatsoever, excepting which partly relates to the before excepted and foreprised lands, touching and concerning the said premises, or any part or parcel of them."

Fenwicke being thus at liberty to exercise his authority over his proprietary, granted a commission in the following words.—

"To *Erick Yearnens*, of Finn's-town Hook."

"Whereas, thou hast subscribed allegiance to our sovereign lord, the King, &c., and faithfulness to me, and give the same under thy hand, in obedience to the late absolute Lord Proprietor's concessions. I therefore judge thee fit, and think it convenient to confer upon thee the office of *Reve*, or Bailiff, within my said colony, for one whole year from the day of the date hereof, unless I see cause to alter or null this my commission, order and warrant. And accordingly, these

day,—but he was subsequently prevailed upon to comply with the requisition. He was taken to Newcastle, and sent to New York by land July 14th. The precise time of his return to Salem, or in what way the difficulty was got over, does not appear; but on October 28th, of the same year, Andros again issued an order prohibiting Fenwicke from disturbing the inhabitants on the Delaware, under any pretence whatever.

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are to authorize and empower thee to execute the said office within that tract of land which shall be hereafter called the hundred and manor of West Fenwicke, as it is situate, lying and being within my said colony, and is butted and bounded as follows, that is to say: From the mouth of Fenwicke river, and so running up along the same: and from thence in a straight line, as near as may be, by the bounds of the 10,000 acres, lately set out for the said Thomas Pile and his trustees, extending to Masucksey or Oldman's Creek, which is now and hereafter to be called Berkley River; and so down the same as it runs into Delaware river; and so down the said Delaware river, to the mouth of the said Fenwicke's river, which was hereafter likewise called, by the natives, Game Creek. And that thou dost well and truly execute and serve within thy said bailiwick, all such my summons, orders and warrants, which shall be directed, by myself or my steward of the said Court, and to make due returns thereof accordingly, from time to time; and thou art, severally, likewise authorized and required to have and receive and take of the inhabitants, within the said jurisdiction, all such fees as legally belong unto the said office, for the legal serving of such summonses, orders and warrants, or otherwise, according to the customs of other manories within his Majesty's realm of England.

"And I do hereby, in his Majesty's name, will and require all and every person inhabiting within the said bailiwick, and by virtue of his Majesty's power and authority which is vested in me, strictly to charge and command them, and every of them, to own this my commission and authority, and yield their ready obedience unto which thou legally require of them, and which also thou legally dost do in the execution of thy said office; and for so doing, this shall be thine and their warrant.

"Given under my hand and seal, this eighth day of the Fourth month, commonly called June, at Fenwicke's Grove, in the year 1682."

He also issued his summons to the Dutch, Finns and Swedes, requiring them to come before him at his house at Salem, and make known their claims to the lands they occupied, (in the following words)—

By John Fenwicke, the surviving absolute Lord or Chief Proprietor of the Province, &c., &c.

"Whereas, I have been from the time of my arrival until now, not only most shamefully and arbitrarily obstructed in the settling of my colony, but also my purchasers, planters and inhabitants therein, have been greatly discouraged and hindered in the improvement and settling of their several and particular tracts and plantations, as well as myself in improving the whole, to our great damage and loss; for the rectifying thereof, it is now acknowledged by all considerate and reasonable men, that, by law, there can be no other Lord or Chief

Proprietor than myself, unless that those who have arbitrarily pretended a right thereto can first legally eject me out of the same, which they never yet attempted to do, having neither law, equity nor good conscience, to warrant them therein; for the principal debt they claim, they never did pay me, nor can ever prove that they paid it to any assignee of mine; but thereby designed to cheat me both out of my land and money, as appears further by their wilful refusing to engross the account (mentioned) in their own contrived deed of trust and mortgage, that it might have been signed by me to them, and by them to me, (before the sealing of the said deed,) and the letter of attorney which they likewise gained from me as collateral security. And further, (for their extented debt of £110 15s.) by virtue thereof, they were to receive, in debt owing to me, £451, and out of which they have received to their own use £119, and hath refused to come to an account, judging that all my said estate is theirs, and I their slave forever, as they have made it evidently to appear by their rebelling against the King's high Court of Chancery, their many great and horrid lies, with all their arbitrary and treasonable practices, which they and their abettors have published and put in execution from time to time against me and all claiming under me; by which his Majesty's subjects have been driven into confusion, and from the obedience to the King's letters patents, his known and established laws, and the concessions, laws, and government thereupon established for the said province, by the late absolute Lord Proprietor, and contrary to his Majesty's letter of obedience, which was published by Captain Johnsbury, their Deputy Governor, wherein the said government was owned, and his Majesty's English subjects, as well as foreigners, were required to be obedient thereunto, as in and by the same being upon record doth at large appear; all which their said acting has been and is contrary to the peace of our Sovereigh Lord the King, his crown and dignity.

These are therefore now after divers summonses, and I do think fit once more to will and require Fopp-hout-out, Michael Barrowne, Lucas Pictures, John Erickson, and all other the Dutch, Finns, Swedes, and foreigners, who are inhabitants within my manor of East Fenwicke, in my said colony; and, in his Majesty's name, to charge and command them, and every of them, to come and appear before me, at my house near New Salem, upon Monday, by nine of the clock in the forenoon, being the 26th day of this instant, Fourth month; to the end that they may enter their several claims, and make known their several titles to the lands they plant, so that they may be settled according to the said concessions, so far as law and equity will warrant the same, in order to the settling of my said colony with all convenient speed, according to the said government, whereby they and every of them may approve themselves to be his Majesty's loving, faithful, and obedient subjects, in obedience to his Majesty's Commissioners proclamation, in the year 1664, as well as others his

Majesty's English subjects. And herein they, nor any of them are to fail, as they will answer their contempt by being proceeded against as enemies to the King, and his public peace of the said province and colony, and that with due severity, according to law.

"Given under my hand and seal, at Fenwicke's Grove, the eighth day of the Fourth month, called June, in the year 1682.

"By JOHN FENWICKE, Esq., *Pro.*"

Perhaps it may be interesting to know the names of some of those Swedes, who were the earliest settlers of a part of Salem County,—They were as follows: Matt. Nealson, Katt. Nealson, Peter Dulson, Stephen Yearnens, Laus Hendrickson, Matt. Sparkleson, Erick Yearnens, John Erickson, Matt. Janson, Andrew Anderson, Laus Cornelinson, Ann Hendrickson, Andrew Sinecker (now Sinneckson,) Hance Sheidhell, Claus Janson, Wooley Woolson, Barbara Halton, Peter Halton and Andrew Barklyson: Eric Gili Johnson's and Andrew Sinnickson's descendants are, to this day, among the most reputable citizens of the County of Salem.

Fenwicke without doubt, was a man of high courage, and keen sensibility of honor, and during the short space of time he was allowed, by Providence, to reside upon his estate, his life was no better to him than a distressing burden: To be harrassed by his creditors—deceived by those in whom he had placed confidence as his friends—cheated out of much of his property—arrested as a felon—thrown into prison—and to be detained there to gratify the whim of a cruel and vindictive tyrant—was quite enough to drive a man of less nerve than John Fenwicke, perfectly crazy. Yet, of all his misfortunes, cruelties and troubles he had undergone, none appeared to rack his soul more than an unnatural connection formed by one of his grand-daughters,* which completely broke down the spirits of her aged grandfather; and soon after that event was known, he was taken to his bed, and after a short but severe illness—death, like a welcome messenger, came and released him from all his troubles. He died December, 1683, aged about 65 years—poor and

* Elizabeth Adams had formed a connection with a negro man, whose name was Gould; notwithstanding the poignancy produced by the unnatural and base act of his grand-daughter—still the yearnings of parental nature took deep hold upon Fenwick's feelings—and in his will, he promised her his forgiveness should the "Lord open her eyes to see her abominable transgressions, against him, (me) her grandfather, and her poor father, by giving her true repentance; and forsaking that *black* that had been the ruin of her" But she loved her dark-coloured companion better than kindred and lands, and being degraded in the estimation of her acquaintances she stuck to him for *weal* or *woe*; and from that illicit connection arose a settlement of people in the County of Cumberland, called Gould-town, after the name of her paramour.

broken-hearted. The inventory and appraisement of his personal property amounting only to £20 9s. 8d.

Fenwicke, by his will, appointed and constituted Governor Penn, the guardian of his favourite grand-sons, viz: Fenwicke Adams, Samuel Hedge, Jr., and John Champneys, to the exclusion of their own fathers. He was also one of his executors, in conjunction with John Smith, of Smithfield, Samuel Hedge,* of Hedgefield, and Richard Tindall, of Tindall's bower. During the nonage of these three grand-sons, his Executors were empowered, by said will, to sell and dispose of what quantity of land they could, for the payment of his debts; they did so, and many people of these counties have derived, remotely, the title to their lands from these executors.

After the death of Fenwicke, his Executors closed the contract entered into between him and Penn, as appears from the following agreement.—

"Several things discoursed of to be agreed upon between William Penn, Proprietor and Governor of Pennsylvania and territories, and Samuel Hedge, John Smith and Richard Tindall, Executors of Mr. John Fenwicke.—That the said William Penn being Proprietor, by conveyance or deed, from the said John Fenwicke, may from time to time take up land, and dispose of land for the planting and improving or the colony, providing, always, that the heirs and assigns of the said John Fenwicke have the reserved number of one hundred and fifty thousand acres, that the same may from time to time be taken up, planted, or disposed of for the use appointed by his will, for that purpose; that the said Samuel Hedge, John Smith and Richard Tindall, do condescend to, that the said William Penn, get the neck between Salem creek and Old-man's creek, so far as the same is unsold or disposed of by John Fenwicke, shall be and is hereby allotted to be disposed of or settled by William Penn, from time to time, for the royalties of such lands as are disposed of, he making full reprise for the same; that John Smith agreeth to resign his 500 acres in the town for 500 acres elsewhere, in the same jurisdiction, referring to him a double town lot, each lot being fifteen acres;—the remainder to be common, until taken, by warrants, as town lots—except sixty acres for a town and a commandechant to the Proprietor, William Penn.—That the lot already laid out, before the first day of the eighth month ensuing the date hereof, be settled by others paying the value of the said lots, as it is adjudged in open Court, that there

* The Quit Rent roll of Samuel Redge, the son in law of John Fenwicke, for lands in Ramsneck, on 18,159 acres, amounted to 82 bushels of wheat, 13 hens, 20 shad, and one shilling—on his Salemtown lands, for 294 acres to 10½ bushels of wheat, and one hen, with eggs.

may be a general warrant granted by the said William Penn, to the surveying the tenth, enabling him to resurvey all tracts completed, as of more than may be coming to his agent, for the time being.

Dated Salem, 13th, 2d month, 1684.

(Signed) WILLIAM PENN,
SAMUEL HEDGE,
JOHN SMITH,
RICHARD TINDALL.

(Witnesses)
Arthur Cook,
James Nevell.

I must now notice Fenwicke's mode of managing his family affairs, and of his two farms in England, which he had cultivated under his immediate direction and that of his overseers. The names by which the farms were distingbished, were those of Brockham and Worminghurst; and he adopted a system of particularity and strict economy in his agricultural affairs which is at this day well worthy of imitation, not only by farmers, but also by all house-keepers. He was scrupulously exact in noting down every sum which he received or paid away, from a pound to a penny. He kept a regular account of the stock appropriated to the farms at Brockham and Worminghurst, which were worked partly under his direction and of the different overseers he had to conduct them.

His principal estate at Stanton he had leased out to Colonel Nicholas Fenwicke, his cousin, for the sum of four hundred and forty-five pounds per annum.

In his book he charges money laid out and expended for the house at Worminghurst—where I am inclined to think his family usually resided—for culinary articles and provisions, even down to a charge for a pound of suet which cost four pence.

His particularity was very observable in his purchases of different kinds of cattle. In buying of horses he notes the price paid, the color of the animals, and their imperfections. So of his cows: he describes their colors, and notes down the price paid for them. In the purchase of his cattle for grazing, the price is set down, and when they are sold to the butcher they are described, particularly of such whose weights were under 350 lbs. These cattle he denominates *Runts.*

So in his field expenses: he charges the amount expended in cutting, curing and stacking (say) of one hundred tons of hay. An account was kept of the expense of harvesting a field of wheat—then the particulars in getting out the grain. The laborers were paid by the bushel for threshing, cleaning, and putting into the granary. The

sheaves were all counted previous to being threshed, the wheat cleaned and accurately measured, and then a certain quantity laid by for family consumption. The like method was pursued with respect to other grain. A charge is made for getting peat—the amount paid to laborers, and the kind of work which they performed—ditching and draining being paid by the rod—and money paid to the hired women and the nurse having charge of the children is particularly designated. Expenses at fairs, and when he was attending the sessions at the house of Arundel, and public meetings, are also mentioned.

On one visit to London, he made the following purchases for the clothes of his wife and Betty, (his daughter):—"Stuff for gown and 2 coats, and 12 yards of searge, at 4s. 3d. per yard; 20 yards of gold and silver lace at 4s. 6d. per yard; paid Taylor for making the gound and coat for Betty; one piece of dimity; a knife, 3 combs, thread, needles, and other things; a pair of bodices for Betty; cakes for the children, four pence—amounting to £11 4s. 3d."

He had invited his friend and relative, Colonel Nicholas Fenwicke, to dine with him, and the following named articles were purchased and prepared for the dinner—to wit: A shoulder of venison, 2 couple of rabbits, one joint of veal, one peck of turnips, and one peck of carrots—am't 9s. 4d.

It appears from his memoranda that the moles were very troublesome in his lands; for I find that he paid the mole catcher for destroying 3 dozen and 4 moles, at 1s. 6d. per dozen, 4s. 6d; 600 cabbage plants are charged at 1s. 6d, per dozen.

At what I have stated of the peculiar and methodical habits of Fenwicke in all his money concerns, many persons may be inclined to smile; but, be it remembered, that it is from such unremitted attention to method in business, and strict formality in noting down every penny, that pounds are made and accumulated. And if people generally were to keep an exact account of all their outgoings as well as incomings, in a few years there would scarcely be any occasion for insolvent laws. They would become dead letters, and soon be forgotten. The want of such precision and method in every kind of business, and the prevalence of carelessness and indifference to punctuality and forms, have been the awful source of ruin to very many families.

I will here mention a most worthy trait of benevolence in the character of Fenwicke in confirmation of the goodness of his heart. It was this. He had a female domestic in his family by the name of Mary White, who had resided with him more than twenty years in England,

before he embarked for America. She was employed as a nurse for the children, and continued in that capacity until they were about to leave their native country. Having contracted a great affection for the members of his family, she resolved to accompany them across the ocean, and continue her motherly care over all that were committed to her charge. When they arrived at Salem, she had the sole superintendance of the family affairs, took charge of the dairy, and attended to the entire management of the agricultural business—the farm being about seven miles from the town of Salem, Fenwicke's own residence being in the town, and it being only occasionally that he rode out to his manor, as he called it. It was on this last visit to his farm that he was seized with the sickness which terminated his existence. Fenwicke, to remunerate her for her unremitted attention to his domestic affairs, and her affectionate regard for his family, devised to her in his will 500 acres of land.

Nor must I omit to mention a sure evidence of a forgiving disposition, as shown by his virtual retraction of the suspicion he had conceived of the partiality or unfairness of Penn in the award rendered by him in favor of Edward Billinge—when by the last act of his public life, he most solemnly testified to the purity of the motive which governed Penn on that occasion. And such confidence did he repose in that highly esteemed man, that in his will he appointed him, as has been stated, guardian of his three grandsons to the exclusion of their own fathers, and also to be one of his executors.

This confidence in the integrity of Penn, by the man who, but a few years before, had his friendship alienated from him, (perhaps through misconception of his motives,) bespeaks a truly exalted sense of refined honor—the true spirit of the Christian being exemplified in the forgiveness of a real or supposed injury.

We are not without other evidence of the religious feelings and dispositions of Fenwicke. We can form a much better opinion of the piety of a man when we see him in all the sincerity of his heart pouring out the effusions of his soul before his Maker in the retirement of his closet, than when mixing in the assemblies of the multitude.

Fenwicke was an attentive hearer, and a member (before he joined the Quaker sect,) in full standing in the Independent Church, of which the Rev. Mr. Goodwin was the pastor, as has been stated, and appears to have been in the habit of taking notes of such parts of the discourses as struck him most forcibly. He noted the subject on hearing the Rev. Mr. Hedges preach, which was "God's majesty and glory—and Moses's admiration of God's excellency and majesty"; and notices a

discourse wherein he thinks John Goodwin transcends the general current of the present divines, and differs from them in four points.

Then again—"The mystery of God in redemption"—"A Sabbath meditation," read July 26, 1642. Then "A Christian man's properties or gift of God's spirit." Then "Most heavenly notes and meditations, now that Christ is the divine son of God." Then "Profitable observations for the bettering of our apprehensions in the reading of Mr. Brightman upon the Revelations."

John Goodwin, pastor of the Church of which Fenwicke was a member, was a most acute and subtle controversialist of the 17th century, and one of the most prominent leaders of what were called "the Fifth Monarchy men." He wrote a vindication of the death of Charles 1st, which, at the Restoration, was burnt by the common hangman. He was excepted out of the act of indemnity, and died soon after. His works were numerous, and mostly in snpport of Armenian doctrines.

Thus have I endeavored to lift from oblivion the life and character of John Fenwicke, once the Lord or chief Proprietor of "Salem tenth." In my estimation, the man deserves to be placed by the side of William Penn, the founder of Pennsylvania, for their merits and sufferings were remarkably similar. They appear to have been congenial spirits. Their views of colonizing this new world, of laws, religion, and politics, were precisely similar: so were they in their intercourse, their treaties, and friendly dealings with the Indians, the same. In the Proprietary of Fenwicke's colony no murder was ever committed by an Indian upon a white man; nor was there ever a murder committed by a white man upon an Indian. Both these great men had to submit to numberless vexatious impositions and injustice practised upon them by the very people whom they in their deeply matured plans of philanthropy and colonization designed should be in all their generations benefited.

There was also a marked similarity in the various occurrences which happened to them from the middle to the close of their lives. As Penn was brought up in the forms of the Episcopal Church, and instructed in the creed and liturgy thereof, until at mature age he attached himself to the Quakers, and not long afterwards became one of their prominent leaders, so Fenwicke, after leaving the army, withdrew from the Independents, and united himself to the same sect.

Penn had long been revolving in his mind the design of removing with his family and all the friends he could influence to this then western wilderness, and become the founder of a peaceful colony, the

principles of which were the repudiation of all wars and strifes of every kind, and establishment of strict rules for the administration of impartial justice to the settlers and their descendants in all time to come.

Fenwick entertained similar religious and philanthropic sentiments. He invited all the honest, industrious, and most useful citizens he could find to accompany him hither, that they might enjoy the blessings of freedom, remote from the tyranny and oppression of the Old World, and establish a government which should secure to every one his liberty, property, and religious opinion, and be exempt from military conscriptions.

Penn was thrice thrust into a prison in England, and there detained a considerable time for preaching, defending, and publishing his opinions upon religious subjects, and against such sentiments as were then prevalent, and which he thought were not in accordance with the truth of the Gospel.

Fenwicke, in the year 1666, when attending a religious meeting of Quakers in Buckinghamshire, was taken by the order of Renold Burden, a priest, and sent to Ailsbury jail, and in 1670, when attending a religious meeting of Quakers at Bracknell, in Berkshire, he was fined 5 shillings by Priest Humphrey Hides, his goods seized amounted to eleven shillings, and he was again sent to jail; and in Salem was arrested by an armed force, carried from his house to New York, and there most cruelly imprisoned by the mandate of Governor Andros, as has been stated.

Penn was most cruelly and unjustly deprived of the revenues which were his just due from his extensive possessions in his proprietary of Pennsylvania, by persons both here and in England having power and authority. Fenwicke was abused, ill-treated, and finally cheated out of the greater part of his property in his proprietary of Salem tenth, by persons in whom he had placed the greatest confidence.

Penn had the wife of his bosom to console him in his last and dying hours; but not so Fenwicke. The partner of his life was far away from him: the waves of the Atlantic rolled between them. He yielded up his spirit in tho presence of his faithful nurse, Mary White and his other domestics.

May we not charitably believe that the similarity of their fortunes may have been carried out in death, and that they both left the earth resigned, aud in anticipation of a rest forever in the glories of the upper world?

TRIAL OF JOHN WILKES.

[The following letters were received from Colonel Robt. G. Johnson; and although they do not refer directly to topics of American history, are thought of sufficient interest and importance to be made public through this channel.

They were written by William Strahan, the friend and correspondent of Franklin, to David Hall, of Philadelphia, with whom at one time Dr. Franklin was associated in the printing business. Strahan (as has been already stated in this Periodical, Vol. I. p. 109,) was printer to the King; and his talents, character, and influence subsequently raised him to a seat in Parliament. In these letters he gives an account of the trials of John Wilkes, describing the scenes of which he was an eye witness, and presenting the points at issue in a lucid manner, so that the reader cannot fail to secure, by their perusal, a better knowledge of the events referred to than he previously possessed.

The circumstances leading to Wilkes's trial, &c., may be briefly stated, to obviate the necessity of reference to a history, should they need to be recalled. He was editor of the paper entitled the North Briton, and in April, 1763, in No. 45 commented on the King's speech, which had just been delivered, in such terms as to lead to the issuing of a general warrant for the arrest of the authors, printers and publishers of that paper. Wilkes was apprehended, but refused to answer any interrogations, on the ground of illegality of such warrants. He was committed to the Tower—subsequently brought out by a writ of habeas corpus, and discharged by Chief Justice Pratt, of the Common Pleas, who declared his objection to the warrant valid—at least so far as Wilkes was concerned, he being a member of Parliament.

The publication of the offensive paper was continued from a press established in his own house, and he also published a blasphemous and obscene poem, called "An Essay on Woman," with which he connected the name of Bishop Warburton in a most unbecoming manner. The subject became one of great national importance. It was brought before Parliament. Its mandates were unheeded by Wilkes, on account of illness, he having been wounded in a duel, and he finally went to the Continent. It is at this point that Mr. Strahan's

first letter comes in, referring to the events which occurred on the opening of Parliament in January, 1764, after a recess.]

Mr. Strahan to Mr. Hall.

London, January 20, 1764.

As I was present during the whole debate yesterday, regarding Mr. Wilkes, in the House of Commons, I will endeavor to give you the substance of it, in which I shall be as clear and distinct as I can.

It began about five o'clock, and was opened by reading a letter from Mr. Wilkes to the Speaker, endeavoring to excuse his return, from his bad state of health, the truth of which is attested by three French surgeons, whose attestations were annexed. Then Dr. Brocklesby, Dr. Heberdon, and Mr. Greeve, surgeon, were examined as to the state of his wound when he left England, &c. The substance of their evidence was as follows: That the wound, though in a fair way of cure, was not so well as to make it prudent in him to venture on such a journey; that his going then from London to Paris in that condition made it highly probable that he would be thereby disabled from returning to London by this day; that he gave them no intimation that he was going to France, nor mentioned any thing of the illness of his daughter; that he talked only of going into the country for a few days, and took a quantity of dressings with him for that time; but as to the condition of his wound now, as they had not lately seen it, they could say nothing, only that had he remained in England he would have doubtless been now able to attend the House.

Then a motion was made that, as Mr. Wilkes did not attend in his place, but had, in contempt of the House, withdrawn himself into a foreign country, without assigning any satisfactory reason for so doing, that this House will now proceed upon the matter of the charge against him.

Upon this a very long debate arose, in which every art and subterfuge were made use of by the Opposition to prevent the matter from being proceeded upon. Those who spoke for Mr. Wilkes insisted that it was cruel to hear evidence against one of their members exparte, when he was not on the spot to make his defence, especially as the charge against him was of the most heinous nature; that as he was now under prosecution for it in the Courts below, at the suit of the Crown, it would be best to wait their decision; that with them witnesses were examined upon oath; that a jury determined fairly and impartially upon that evidence; and that when the record of his conviction was brought up to them, it would be a proper ground to

go upon in inflicting the censure of the House upon him;—for if they should adjudge him guilty, and a Court at Law below, after a fair and open trial by a jury, should acquit him, the public would thence be led to think hardly of the justice of the House, a circumstance which would lead to many inconveniences. Besides, if the judgment of the House should be given against him now, he would be thereby prejudged; and it must greatly influence the jury upon his trial in Westminster Hall. Upon the whole, as the trial below might be brought on after the ensuing term, as the cause of his absence was the illness of his daughter, and as the delay of a few weeks was of little importance in this case, they insisted on the matter being postponed for the present.

In answer to this, the Attorney General and Mr. Yorke, in two very excellent speeches, observed, that Mr. Wilkes had been repeatedly required to attend in his place to make his defence; that every indulgence had been given him on account of his health; that he had, in contempt of the order of the House, withdrawn himself into a foreign country, for which, in his letter to the speaker, he assigned no reason whatever; that it was highly unbecoming the dignity of that House to leave to the decision of the Courts below matters which so nearly concerned their own privileges, and which were properly cognizable by themselves; that surely this House were as competent judges in a cause of this nature as any twelve men whatsoever, let them be ever so honest and impartial; that the censure of this House could not affect him in Westminster Hall; that there they pronounced their verdict from the evidence that was actually given before them in the cause in question, without being biased in any manner by any thing said or done out of Court, or even by any thing which they themselves knew previous to the trial then depending; that all juries knew this, and were constantly instructed by the judges to conduct themselves accordingly; that this House would incur no odium whatever, even if Mr. Wilkes should be acquitted afterwards by a jury; that nothing was more common, in trials of private matters, than for two juries to give a different verdict upon nearly the same evidence; that this might and actually did frequently happen, as evidence was capable of being seen in a variety of lights, though the juries were both composed of men of inexceptionable honesty—nor were they even liable to censure upon that account; that as Mr. Wilkes had hitherto entered no appearance to the suits instituted against him, or taken any steps towards making his defence, it was impossible to foresee how long it might be before thr affair was brought to an issue below; that if he did

not appear at all judgment might go against him by default, but still this would be no condemnation; that a decision in the Courts below ought not to be admitted as evidence in that House in such a case as this, against one of their own members, which would subject them all to the consequences of prosecution, carried on against them by the servants of the Crown; and that, in fact, as they had already prejudged the affair by voting the North Briton, No. 45, a seditious libel, &c., it behooved them, if they must be guided by the decision of the Courts below, to retract that vote. It was also objected by Wilkes's friends, that it would be hard to condemn members upon evidence which could not be taken upon oath; and some proposed to have a Middlesex Justice to swear the witnesses in the lobby;—but this was opposed as unprecedented, besides that, it would be absurd in them to pretend to delegate that power to another which they had not themselves—a Justice of Peace, of himself, having no power to administer an oath but by virtue of and within the jurisdiction of his commission; and that it would be highly unjust and unreasonable to object to the nature of the evidence in the present case, which related to one of their own members, seeing they had on the like evidence, upon a variety of occasions, inflicted very severe punishment upon many of his Majesty's subjects, whose liberty and fortune were equally dear to them, and with that House ought to be held equally sacred.

These were the material arguments made use of on both sides, though a great deal of time was consumed in idle speeches from the Opposition, which, as they were very little to the purpose, it was impossible to retain. Then the motion to proceed was agreed to by a great majority—267, I think, to 102, or thereabouts.

The witnesses were then ordered to be called in, in the order following:—1. J. Cadell, apprentice to Mr. Miller, proved Mr. Wilkes's ordering the first number of the North Briton to be advertised, and his having paid the charges of so doing. 2. W. Johnston, Bookseller, proved his applying to him to publish the N. B. for him. After this witness was examined, Mr. Beckford proposed to adjourn the further hearing of the cause till next day; and though there was a clear majority against it, he insisted on dividing the House, and it was carried against it by almost the same majority as above; and after this, during the course of the evidence, they divided the House twice more upon the question to adjourn, with the like effect. This the Opposition plainly did in order, if possible, to tire the House and protract the affair; for every division took up at least half an hour. But the other side were resolute to finish it.

3. Jonathan Scott, bookseller, and one Shaw, a printer, proved 21 letters, which were produced, to be the handwriting of Mr. Wilkes.

Then the letters were read by the Clerk. They were directed some to Kearsly, the publisher, and some to Balfe, the printer, and contained chiefly directions for printing the numbers of the N. Briton. One of them in particular (marked No. 20,) contained directions that obviously related to No. 45, desiring Balfe to insert the inclosed letters after the North Briton, and before the Proposal, and to make the whole two sheets—circumstances which could relate to no other number of that paper.

4. One Currie, a journeyman printer, proved that he was employed by Mr. Wilkes to reprint the North Briton, last summer, in his own house in George street, in two volumes; and that in particular Mr. Wilkes corrected and added some notes to No. 45. But as his evidence related to an offence committed after that complained of in the address from his Majesty, (which alluded to that printed in weekly numbers,) it was objected to by the Opposition, as not to the purpose of their present inquiry; nor was it insisted on by the other side.

5. Balfe, the printer, proved that he received the above mentioned letter from Mr. Wilkes, inclosing a letter about the discharge of a soldier and the proposal; that these were printed by him at the end of the North Briton, No. 45; and that he also received from Mr. Wilkes, either by his footman, or by a porter whom Mr. Wilkes usually employed, at different times, the whole copy of the said number of the N. B.; that when he had composed it he sent the proof to his house in George street; from whence it was returned to him by Mr. Wilkes's servant, corrected, which corrections were accordingly made in it. This evidence, bringing the thing home upon Mr. Wilkes, in a manner beyond a possibility of doubt, the Attorney General rested the matter here, and declined to call any other witnesses.

The friends of Mr. Wilkes gave every obstruction, and made every objection in their power, in the course of the evidence; but it so happened, that the more they cross-examined them the more clearly it come out against him. Balfe, in particular, was questioned, whether he had had any offers made him, or if any undue influence had been used by Mr. Solicitor Webb, or any other person, in order to induce him to give his testimony; but on the strictest scrutiny, it did not appear that any promises had been made him, other than that the Government would not suffer him to be a loser by his fidelity on this occasion. This, the Attorney General observed, was no more than was usual in all trials, where, if the party on whose behalf the wit-

nesses appeared, did not indemnify him for his charges and loss of time in attending his trial, the Judge will oblige him to do it before the witnesses gives their evidence.

Lord Temple attended the whole time. Mr. Pitt was not in the House. Charles Townsend was present, but did not open his mouth. The principal speakers on both sides were:

Against Mr. Wilkes.	*For him.*
Attorney General,	Mr. Fitzherbert,
Solicitor General,	Col. Onslow,
Mr. Yorke,	Serjeant Huett,
Mr. Sewell,	Mr. Mansby,
Mr. Grenville,	Alderman Beckford, and
Lord North, and	Mr. Townsend.
Lord Strange.	

It was now past three in the morning, when the Attorney General summed up the evidence in a short and sensible speech, and then a motion was made by Lord North, That Mr. Wilkes is guilty of writing and publishing the N. B. No. 45, an audacious libel, &c., which was agreed to without a division. He then moved that the said Mr. Wilkes be, for his said offence, expelled the House; which was also agreed to without a division, the noes not being, to the best of my judgment, above two or three.

And then the House adjourned (it being now ½ an hour after three in the morning,) till to-day at noon.

Mr. Strahan to Mr. Hall.

London, Jan'y 24, 1764.

Yesterday the debate in the House of Lords regarding Mr. Wilkes was opened by Lord Sandwich, who recapitulated the evidence that had formerly been given at their Bar, in order to prove him the author and publisher of an Essay on Woman, &c., which had thereupon been voted a breach of privilege against a learned Prelate, and the King addressed to prosecute him in the Courts below for the blasphemy. He was answered by Lord Temple, who observed that he had entered his appearance to that prosecution, and therefore he insisted long and warmly against proceeding farther in that matter till the judgment should be given thereupon. He doubted, he said, whether he could be deemed the publisher or not; that in a former case, the late Bp. of London (Gibson) having been shewn a leaf or sheet of a blasphemous

book, he ordered the whole impression to be forthwith seized and burnt; and when he was solicited to prosecute the author, he replied he thought it better he should escape the punishment due to his crime than that the work itself should be so far published as was necessary for his condemnation. Lord Temple by this hinted that Kidgell ought to be deemed the publisher, and proposed his being examined. This was seconded by the Duke of Grafton, and on Wilkes's side of the question the Duke of Devonshire and New Castle also spoke, but nothing material. On the other side, Lord Mansfield, with his usual precision, Lord Marchmont, Duke of Bedford, Lord Halifax, Lord Sandwich, Lord Morton, &c. spoke very fully and clearly, the substance of which was as follows: That in their former vote they did not mean to prejudge Mr. Wilkes; that vote meant no more than that from evidence which had been given at their bar, they had reason to think him guilty of that offence upon which he might be brought before them to answer in vinculis for that supposed offence; that in a case of this kind the House acted like a Grand Jury, who heard evidence only ex parte, and upon that evidence the accused person, whether he were really guilty or not, must submit to a trial; that any person swearing a debt against another, by that means deprived that other person of his liberty, though it might turn out that he owed him not one shilling. Lord Sandwich, at last, to put an end to a debate that appeared altogether frivolous, declared that he had no intention to precipitate the matter, but to give Mr. Wilkes full time to make his defence; and in order to obviate every difficulty or objection that could be stated by his friends, proposed to carry the matter no farther at present than to move the House, That it appearing to this House that John Wilkes, Esq., of Great George Street, Westminster, is the author and publisher of the Essay on Woman and the Veni Creator paraphrased, &c. &c. be taken in the custody of the Gentleman Usher of the Black Rod attending this House: which was agreed to.

No witnesses were examined to-day, but the depositions of those who were examined before were read, which indeed came up to a very full proof of Mr. Wilkes's guilt. If he does not appear in a reasonable time, (as I dare say he will not) he will of course, I suppose, be outlawed, and the whole affair will be extinguished and forgotten.

[He was outlawed, as anticipated by Mr. Strahan, and after several attempts to obtain a reversal, ventured to return on a change of ministry, and delivered himself up. Notwithstanding his imprisonment, he was elected to represent the county of Middlesex—having previ-

ously run for the city of London and been defeated—and soon after surrendered himself to the jurisdiction of the King's bench—where we find him in Mr. Strahan's next letter.]

Mr. Strahan to Mr. Hall.

London, April 26, 1768.

Dear Davie,—I wrote to you on the 16th instant, by the packet, to which I refer. I sit down to write you a little *Politics* now, lest when the next packet is about to sail I may be too much hurried to be so particular as I would wish to be.

You know I expressed my fears, in my last, lest Lord Mansfield might behave with timidity on the 20th. The event hath but too well justified my suspicions. Indeed, it was beyond all example. The facts I will endeavor to state with brevity and precision. John Wilkes, convicted on two indictments, one for blasphemy, the other for sedition in grossly abusing and giving the lie to his Sovereign, flies from justice, and is thereupon outlawed. He attempts once and again to obtain his pardon, but is as often obliged to return into exile. Tired, at last, of his obscurity, depending upon the weakness of administration, and hoping also to avail himself of the confusion and tumult unavoidably attending a general election, he ventures, once more, to return at that critical period; and being desperate, and having nothing to lose, he boldly offers himself as a Representative of the Capital. What unexpectedly followed you already know. But after all, who could believe it, that this very man, who the other day, with fear and trembling, sallied from his retreat; whom we were told any body might secure and bring to justice, and who at length gave public notice of his intention to surrender himself at the bar of the Court of King's Bench; I say, who could believe it, that when this man, so circumstanced, came before them, he was told, that *they did not know him?* He was not *legally* brought before them, as a writ of *Capias utlegatum*, it seems, ought previously to have been issued against him; which the Chief Justice did not choose to order, and the Attorney General, whose particular province it was, did not choose to do. Is not this *passing strange?* But this is not all. The *criminal*, even there, at the tribunal of justice itself, becomes the *accuser*, and in an insolent speech, which to the amazement of all who heard it, he was permitted to make, he charges the Chief Justice himself, to his face, of having *illegally* and *unconstitutionally* altered the Record (see the speech itself in the Chron. of April 21,) in such a manner as

materially to affect his case. To this charge, thus unwarrantably brought, the Chief Justice not only gives a patient hearing, but deigns to answer, and in a very long speech endeavors to clear himself from the crime which Wilkes, with so unprecedented an exertion of his powers of effrontery, accused him of. This done, Wilkes is suffered to return home in triumph!

This whole proceeding is universally considered by all impartial men as the consequence of a total *abdication of Government;* and, without regarding the unworthy object of the present contest, entertain no very ill-grounded fears of what all this may lead to; for no *Capias* is yet issued, and Wilkes still remains unmolested, and at liberty!

The secret springs of all this manœuvre have not yet been discovered. Either Lord Mansfield is afraid of Wilkes's popularity, and does not therefore choose to be active in carrying his sentence into execution, in which case his conduct is dastardly beyond example; or the Ministry mean to protract this matter till the meeting of Parliament, to have their sense of it, and have instructed Lord Mansfield accordingly, in which case he condescends to be their tool Either way his behaviour has, upon this occasion, been such as gives just cause of deep concern to those who venerate his rare and exalted abilities as a lawyer; and even in spite of these, renders him (I am sorry to say it,) the object of general censure—I had almost said, contempt. At any rate, it forever fixes his character for cowardice and timidity in the execution of his office, and in the exertion of his great talents, which, even with a very moderate degree of resolution, would entitle him, without envy, and without control, to take the lead, and give the law in any important measure by which the extensive interests of this country can be effected.

But I will not now tire your patience by making any farther reflections on these amazing events. The Parliament must take into consideration this whole affair, I should imagine, on their meeting next month, and then you shall certainly hear from me again, when I will endeavor to give you the best account of their proceedings I am able. In the mean time, it opens no very pleasing prospect, when we consider that this new Parliament will meet under the weakest and most disjointed administration this country ever saw, and at a time when the greatest abilities and fortitude are wanting, as well as to settle the concerns and to secure the allegiance of our more distant provinces, as to recover our reputation with foreign States, who cannot be ignorant of that licentiousness and contempt of all legal government, which so openly prvails even in the seat of the British Legislature itself. The present Ministry are indeed *no Ministry,* and must therefore give way;

but *when*, or *to whom*, is the question. The Duke of Grafton hath greatly lost himself of late, and we have not in this country, as far as appears, any one man who is fit to take the lead at any time, much less in such a critical period as this. But here I will lay down my pen for the present.

May 14, 1768.

Dear Davie,—Since the above was written, I have yours of March 14, via Bristol, by Capt. Mackinnie. The books therein ordered, and those wrote for before, are already shipped on board Capt. Sparks; but a stop is put to the sailing of any ships for the present, till the sailors come to themselves, for they now insist upon raising their wages before they will strike a stroke. I have likewise yours of March 26 and 29, by the Nancy, Leach, inclosing a bill on Kerries and Co. for £200, which is accepted, and shall be placed to your credit, together with £279 16s. 9d., being the clear produce of the 1200 dollars, the receipt of which I acknowledged in my last. I shall write you fully by Sparks, and send the invoice. In the mean time I just send off this by this packet, to acquaint you with the above particulars relating to business, and to add a few words with regard to politics, in which I must of necessity be brief, as I am got almost to midnight.

Wilkes's outlawry was partly argued this day fortnight at the bar of the King's Bench, and the farther hearing of it put off till next term. In the mean while he remains in prison. Crowds of people have constantly repaired to St. George's Fields, where the prison stands, and, as the newspapers will inform you, have been very riotous, and some persons have been killed by the military, who were called in to quell the disturbances. How it has happened, it is not easy to say, but there has been attempts made, not only by the seamen, as above mentioned, but by the coal-heavers, carmen, &c. to press for an augmentation of their wages, upon the plea of the dearness of the necessaries of life, and refuse to go to work till the masters have agreed to their demands. All this, however, has been done without riot or violence, and hath in appearance no connection whatever with Wilkes or his cause. This matter will, therefore, come to nothing, as indeed I am apt to think will Mr. Wilkes's affair in a very little time. The bustle among the common people, on his account, hath really been considerable, and much mischief hath been done; but I think it is almost at an end. The Parliament hath yet taken no notice of him. Yesterday they unanimously voted their thanks to the Lord Mayor for his spirited conduct during these disturbances, and he will probably have a Red Ribbon. They also ordered compensation to be made to two Justices

of the Peace in the Borough, whose houses the mob had rifled, as they were the peace officers by whose orders the soldiers, after much provocation, fired among them. This looks not well for Wilkes. I was in the House yesterday, and perceived several of his well-wishers and abettors look very blank when these matters were canvassed and these votes passed. It bodes no good to him that his situation hath not been attended to by the House this whole week, though his friends flattered themselves, that some violent motions would have been made in his behalf before they went upon any other business. They are not expected to sit above ten days more, that is, till Wednesday, the 24th, by which time they will have passed the necessary bills. The Duke of Grafton hath declared in the House of Lords his intention to support Government to the utmost of his power. In that House little or no opposition hath yet appeared; and among the Commons, Wedderburn, and others, who are in opposition, have only endeavored to find fault with the Ministry in general terms, without pretending to point out what measures they ought to have pursued during the late insurrections. Upon my word, I know not what all this will end in—I mean respecting the present Ministry; but I am of opinion no changes of any consequence will take place till towards the winter session. A very little spirit and prudent conduct in those at the helm would soon set every thing to rights; for as there is not in fact the least color of reason for complaint on the part of his Majesty, or his Government, or that our liberties are in the least danger, all these attempts to disturb our repose must necessarily prove abortive. No nation was ever blessed with a better Prince; and if we are not happy and prosperous under his Government, the fault is to be looked for in ourselves.

But I must now conclude this hasty scrawl. Yesterday the King's second sister, Loisa Anne, after a lingering illness, departed this life. She was afflicted with bad health from her cradle.

My family are as I wrote last. I expect my wife home from Bath next week; and as early as I can in the next month I purpose to set out with her for Scotland.

The ship in which your goods are will, I hope, sail next week. I shall then give you what farther may occur of politics. In the mean time I am, as I ever shall be, dear Davie,

Your most affectionate and faithful servant,

WILL: STRAHAN.

Do not forget my very kindest respects to your good woman, and to all enquiring friends with you.